

**Report Item no: 1**

<b>APPLICATION No:</b>	EPF/1778/06
<b>SITE ADDRESS:</b>	1 Salcombe Park Loughton Essex IG10 4QT
<b>PARISH:</b>	Loughton
<b>APPLICANT:</b>	Cunningham Lindsey
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/9/90 - Fell Oak. (additional application - damage to second garage)
<b>RECOMMENDED DECISION:</b>	<b>REFUSE</b>

**REASON FOR REFUSAL**

- 1 The Oak tree makes a significant contribution to local visual amenity. The evidence supplied does not support the reasons given for the application, which is that the damage to the adjacent garage is as a result of subsidence caused by the tree. It has not therefore been demonstrated that the felling is either necessary or justified, and the application is therefore contrary to policy LL9 of the Local Plan.

**Description of Proposal:**

Felling of Oak tree as the result of damage to a garage in an adjacent property.  
NB This is the same tree, but a different garage to 1931/05

**Description of Site:**

Rear of detached dwelling. The tree is glimpsed from the High Road, visible to adjacent properties but is an important feature in local views from High Gables and Salcombe Park. The garage is the end garage of a block at the rear of High Gables, immediately adj. to that in 1931/05.

**Relevant History:**

The Tree Preservation Order was made in respect of intended redevelopment of the school, which formerly occupied Salcombe Park. The Oak tree is part of a visual group retained as part of the landscaping of the development.

As per the earlier application it was decided that the engineers should be instructed, on the Council's behalf, to review the new evidence both in respect of the new application, but also as to whether it affected the view taken on the previous case.

### **Policies Applied:**

LL9: The Council will not give consent to fell a tree ... protected by a Tree Preservation Order unless it is satisfied that this is necessary and justified ... any such consent will be conditional upon appropriate replacement of the tree.

### **Issues and Considerations:**

The tree in question is a mature Oak tree with a reasonably full crown. As noted it is not a major visual feature from the High Road, but it is important in more local views. The form of the tree shows that it has been heavily pruned in the past and a site inspection revealed considerable decay in the stem, associated probably with past mechanical damage. In the Landscape Officer's view the tree is not unsafe, however, it is always likely to require pruning to prevent the weight of the crown becoming too great and this has to be borne in mind when assessing its value against the reported problems, and the risk of a compensation claim against the council.

The reasons given for the application, essentially identical to 1931/05 other than repair costs, are as follows:

1. Felling of the tree is proposed as a remedy to differential foundation movement (of the adjacent garage) and to ensure its long-term stability.
2. Felling the tree would limit the extent and need for expensive and disruptive engineering repair works.
3. The proposed felling would limit the duration of the insurance claim and allow the landowner his right to the peaceful enjoyment of his property.
4. That there are no viable alternatives to felling (e.g. pruning or significant pollarding) which would provide a reliable or sustainable remedy in the particular case. It is stated that the agents for the garage owners do not consider that any other potential means of mitigation such as root barriers would be appropriate or affective.
5. Repair costs will vary between £4,000 and £15,000, depending on whether the tree can be removed or has to remain.

Members will see, looking at the reasons given for the application that they all hinge on the causatory role of the Oak tree. If that cannot be demonstrated then all of the reasons fall.

Based on the previous work, and their review of the new case, it is still concluded by the independent engineers that the main cause of the damage to the adjacent garage is not related to tree root activity. They acknowledge that evidence is presented which at first sight points in that direction including indications of a seasonal element to the movement drying of the ground beneath the foundations relative to a control borehole. However they have carefully measured the total subsidence that has occurred to the rear of the garages and then compared that to the total subsidence possible given the drying to the ground. They have found that the subsidence actually visible greatly exceeds that which could have resulted from soil drying by whatever agent. Their view therefore remains that the evidence points to a cause of movement not related to tree root activity. They further conclude that removal of the oak will have no beneficial effect on the stability of the building

Their advice is that the only reasonable approach is to underpin, and that that would be the case irrespective of the presence or absence of the oak tree.

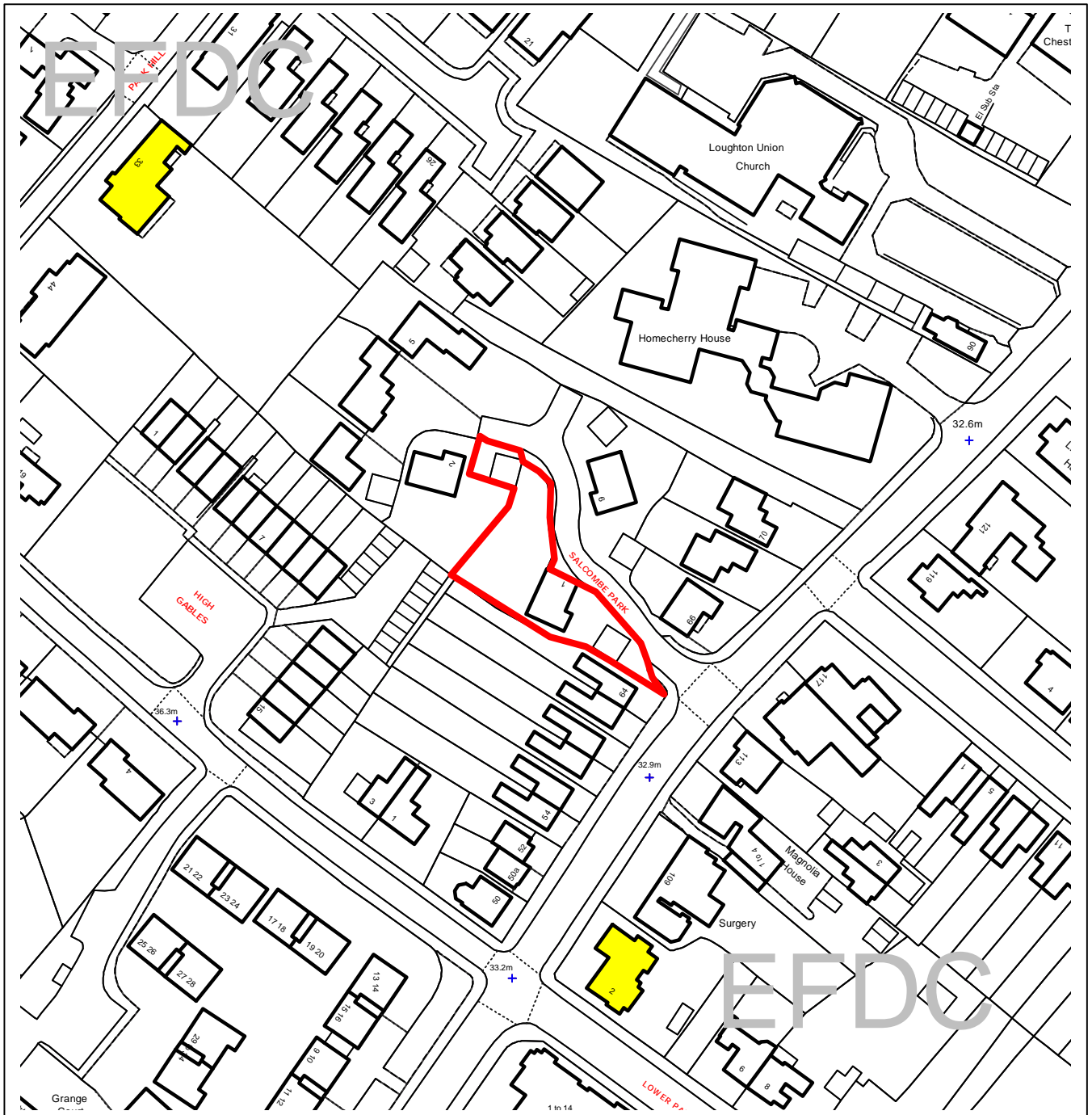
The issue for Members is, do they accept the advice of the independent engineer as to the lack of evidence as to causation? Members will note the variation in repair costs given above; this would represent the difference between a patching up of the garage and underpinning. It may well be that this would therefore represent a claim against the Council in the event of a refusal.

As a secondary issue therefore Members need to consider whether they can minimise the risk of such a claim by certifying the tree as having special or outstanding value. Experience with other cases suggests that the bar is being set very high in relation to certification; even if Members resolve to issue a certificate, it appears likely that it would be challenged and might well be overturned on appeal and would therefore provide no protection.



# Epping Forest District Council

## Area Planning Sub-Committee



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<b>Agenda Item Number:</b>	<b>1 and 2</b>
<b>Application Number:</b>	EPF/1778/06 TRE & EPF/1931/05 TRE
<b>Site Name:</b>	1, Salcombe Park, Loughton
<b>Scale of Plot:</b>	1/1250

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/1931/05
<b>SITE ADDRESS:</b>	1 Salcombe Park High Road Loughton
<b>PARISH:</b>	Loughton
<b>APPLICANT:</b>	M Houston
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/9/90 - Felling of Oak.
<b>RECOMMENDED DECISION:</b>	<b>REFUSE</b>

**REASON FOR REFUSAL**

- 1 The Oak tree makes a significant contribution to local visual amenity. The evidence supplied does not support the reasons given for the application, that is that the damage to the adjacent garage is as a result of subsidence caused by the tree. It has not therefore been demonstrated that the felling is either necessary or justified, and the application is therefore contrary to policy LL9 of the Local Plan.

**Description of Proposal:**

Felling of Oak tree as the result of damage to a garage in an adjacent property.

**Description of Site:**

Rear of detached dwelling. The tree is glimpsed from the High Road, visible to adjacent properties but is an important feature in local views from High Gables and Salcombe Park. The garage is the next to end garage of a block at the rear of High Gables.

**Relevant History:**

The Tree Preservation Order was made in respect of intended redevelopment of the school, which formerly occupied Salcombe Park. The Oak tree is part of a visual group retained as part of the landscaping of the development.

The application was originally rejected as invalid for lack of sufficient information; this led to an appeal where the Secretary of State also agreed that the application was invalid. Further information was received, and the application was then considered suitable to be determined, subject to engineers' advice. It was therefore registered. The engineering advice however raised some further issues, particularly in relation to the likelihood of heave, which needed further investigation; in this instance it was decided that the engineers should be instructed, on the Council's behalf, to undertake a distortion survey and investigation of the heave potential.

### **Policies Applied:**

LL9: The Council will not give consent to fell a tree ... protected by a Tree Preservation Order unless it is satisfied that this is necessary and justified ... any such consent will be conditional upon appropriate replacement of the tree.

### **Issues and Considerations:**

The tree in question is a mature Oak tree with a reasonably full crown. As noted it is not a major visual feature from the High Road, but it is important in more local views. The form of the tree shows that it has been heavily pruned in the past and a site inspection revealed considerable decay in the stem, associated probably with past mechanical damage. In the Landscape Officer's view the tree is not unsafe, however, it is always likely to require pruning to prevent the weight of the crown becoming too great and this has to be borne in mind when assessing its value against the reported problems, and the risk of a compensation claim against the council.

The reasons given for the application are as follows:

1. Felling of the tree is proposed as a remedy to differential foundation movement (of the adjacent garage) and to ensure its long-term stability.
2. Felling the tree would limit the extent and need for expensive and disruptive engineering repair works.
3. The proposed felling would limit the duration of the insurance claim and allow the landowner his right to the peaceful enjoyment of his property.
4. That there are no viable alternatives to felling (e.g. pruning or significant pollarding) which would provide a reliable or sustainable remedy in the particular case. It is stated that the agents for the garage owners do not consider that any other potential means of mitigation such as root barriers would be appropriate or affective.
5. Repair costs will vary between £3,500 and £37,500, depending on whether the tree can be removed or has to remain.

Members will see, looking at the reasons given for the application that they all hinge on the causatory role of the Oak tree. If that cannot be demonstrated then all of the reasons fall.

Based on extensive investigations, it is concluded that the cause of the damage to the adjacent garage is not related to tree root activity. This is because the evidence linking the tree to the damage is incomplete, but more importantly there is an anomaly in the evidence that points towards another cause, unidentified by the applicants. The Council's engineers are clear that there is insufficient drying of the ground beneath the foundations relative to a control borehole to have caused the extent of subsidence that is observed. They therefore conclude that the oak's removal would therefore not prevent damage continuing to occur.

The advice is that the only reasonable approach is to underpin, and that that would be the case irrespective of the presence or absence of the oak tree.

The issue for Members is, do they accept the advice of the independent engineer as to the lack of evidence as to causation? Members will note the variation in repair costs given above; this would represent the difference between a patching up of the garage and underpinning. It may well be that this would therefore represent a claim against the Council in the event of a refusal.

As a secondary issue therefore Members need to consider whether they can minimise the risk of such a claim by certifying the tree as having special or outstanding value. Experience with other cases suggests that the bar is being set very high in relation to certification; even if Members resolve to issue a certificate, it appears likely that it would be challenged and might well be overturned on appeal and would therefore provide no protection.

### **Summary of Representations**

TOWN COUNCIL – Objects to the application that will result in inappropriate treatment being carried out to any significant tree, also to any application to fell such a protected tree.

LRA Applications Group – Even if oak were the cause of the damage, would oppose felling because tree predates garage and the damage should therefore have been foreseeable.

**Report Item no: 3**

<b>APPLICATION No:</b>	EPF/1767/06
<b>SITE ADDRESS:</b>	Stables, Rolls Park High Road Chigwell Essex IG7 6DJ
<b>PARISH:</b>	Chigwell
<b>APPLICANT:</b>	D Gilley
<b>DESCRIPTION OF PROPOSAL:</b>	Conversion and subdivision of existing dwelling into two dwellings.
<b>RECOMMENDED DECISION:</b>	<b>REFUSE</b>

**REASON FOR REFUSAL**

- 1 The intensified use of the existing unsatisfactory access to the access way to the rear parking area, which has inadequate sight lines, would be detrimental to conditions of highway safety in the area, contrary to Policy ST4 of the Adopted Local Plan and Alterations and policy T8 of the Essex and Southend on Sea Replacement Structure Plan.

**This application is on this Committee Agenda at the request of Councillor Knapman**

**Description of Proposal:**

This application is for the conversion and subdivision of the existing dwelling into two dwellings. The proposals entail the erection of a new dormer window and changes to external fenestration.

**Description of Site:**

The application site comprises a detached dwelling set within a walled garden on the south-eastern side of Chigwell High Road. The site, which is within the Green Belt, lies close to the mini-roundabout junction with A1168 Chigwell Lane and Abridge Road. The dwelling itself is Grade II Listed and is predominantly two storeys in height, but with single storey elements.

**Relevant History:**

EPF/1221/05 – Subdivision of dwelling house into two units including insertion of dormer windows. Withdrawn on 26/8/05.

LB/EPF/1222/05 – Grade II Listed Building Application for sub-division of dwelling into two units including insertion of dormer windows. Withdrawn on 26/8/05.



## **Policies Applied:**

Countryside and Rural Economy Policies from the Essex and Southend on Sea Replacement Structure Plan:-

C2 – Development within the Metropolitan Green Belt.

RE2 – Re-use of rural buildings.

T8 – Improvements to the Primary Route Network.

Green Belt, Residential Development and Highway Policies from Epping Forest District Council's Adopted Local Plan and Alterations:-

GB2A – General approach to development within the Green Belt.

GB8A – Change of use or adaptation of buildings in the Green Belt.

GB13 – Subdivision within the Green Belt.

DBE4 – Design in the Green Belt.

DBE9 – Amenity considerations.

DBE11 – Subdivision criteria.

ST4 – Highway safety.

ST6 – Provision of off-street car parking.

## **Issues and Considerations:**

The main issues with this application relate to whether or not the conversion is acceptable in terms of the Green Belt, the appearance of the changes, whether any neighbours would be affected and if Highway safety would be affected.

### 1. Green Belt

Green Belt policies permit the subdivision of large properties in the green belt providing (*inter alia*) the new units are suitable for general residential amenities, the appearance of the countryside will not be harmed and that there is accessibility to public transport. Policies also permit the change of use of an existing building to a residential dwelling, providing it is of permanent and substantial construction and is clearly unsuitable for any other alternative use (e.g. business or tourism).

The Stables is a large existing dwelling, and is in good structural condition. The conversion can be undertaken without recourse to substantially alter or rebuild the fabric of the building. The only building works that are to be undertaken is the installation of a dormer window on the south-western elevation. Since the site is largely screened from the wider view by the tall perimeter wall and some bushes, the overall impact of the conversion on the surroundings will not be great. Whilst the building is in a green belt location, its proximity to Chigwell and (to a certain extent) Loughton means that access to public transport is possible. Consequently it is considered that the principle of this conversion is acceptable.

### 2. Design of the changes

There are very limited changes proposed to the buildings as a consequence of this application. The new dormer poses no design issues and complies with the design guidance that lies within DBE10. Slight changes to elevations are proposed, which do not result in harm to the character of the building. The impact on the Historic Building is fully considered in the concurrent Listed Building Application.

The layout of the landscaping area is to remain largely unchanged, the key difference being the layout of parking. This will not result in harm to the landscape as the site is not visible from the wider street-scene.

### 3. Effect on neighbours

The nature of this proposal is such that no building works will occur that would result in additions which could be detrimental to neighbouring amenity. It is acknowledged however that the site will see intensified residential use, which would inevitably lead to added noise, however this is of domestic level and is not considered to be at a level that could warrant a refusal.

In terms of the layout of the properties, the rooms have been planned so that reception areas and bedrooms do not adjoin. This is acceptable for the future conditions of the prospective occupants of the properties. Overlooking will not be above current levels, and on the whole no amenity issues arise from the use of the two separate units as main residential accommodation.

### 4. Highway matters

Access to both of the properties would be via the existing vehicular entrance. Highways Officers have objected to the proposal and state:

*“The applicant does not control sufficient land to the northern side of the access to provide a traffic visibility splay equal to the reasonable stopping distance of oncoming vehicles at the ambient traffic speed. The lack of such visibility would result in an unacceptable degree of hazard to all road users to the detriment of general highway safety.*

*“The proposal would intensify the use of an access on a stretch of classified highway where the principal use is that of carrying traffic freely and safely between centres of population. The existence of an access in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs, but the intensification of that conflict and interference which this proposal would engender, would lead to the deterioration in the efficiency of the through road as a traffic carrier and be detrimental to highway safety.”*

Consequently the proposal would lead to conditions that are prejudicial to highway safety and is therefore contrary to Policy T8 of the Structure Plan and ST4 of the Local Plan.

### Conclusion

The application, although acceptable in terms of the green belt and impact on the surroundings would lead to situations that are detrimental to highway safety and is therefore recommended for refusal.

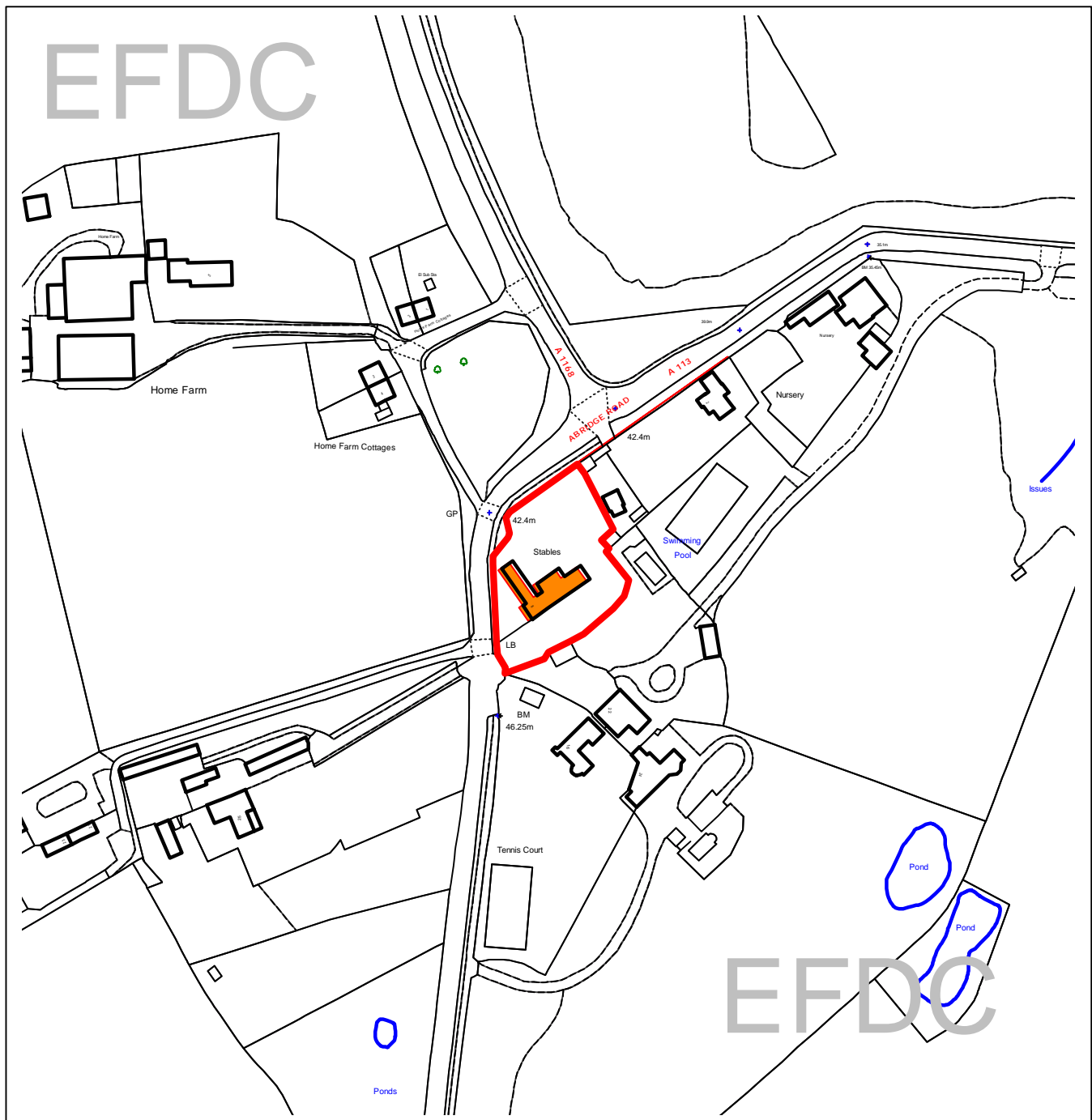
### **SUMMARY OF REPRESENTATIONS:**

PARISH COUNCIL – The Council has no objection to this application.



# Epping Forest District Council

## Area Planning Sub-Committee



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<b>Agenda Item Number:</b>	<b>3 and 4</b>
Application Number:	EPF/1767/06 & 1768/06 LB
Site Name:	Stables, Rolls Park, High Road, Chigwell
Scale of Plot:	1/2500

**Report Item no: 4**

<b>APPLICATION No:</b>	EPF/1768/06
<b>SITE ADDRESS:</b>	Stables, Rolls Park High Road Chigwell Essex IG7 6DJ
<b>PARISH:</b>	Chigwell
<b>APPLICANT:</b>	D Gilley
<b>DESCRIPTION OF PROPOSAL:</b>	Grade II Listed building application for the conversion and subdivision of existing dwelling into two dwellings.
<b>RECOMMENDED DECISION:</b>	<b>GRANT</b>

**CONDITIONS**

- 1 The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted.
- 2 Samples of the types and details of colours of all the external finishes shall be submitted for approval by the Local Planning Authority prior to the commencement of the development, and the development shall be implemented in accordance with such approved detail.
- 3 The new windows hereby approved shall be constructed out of timber, be single glazed and with puttied glass.
- 4 Prior to the commencement of the development, a detailed drawing of the dormer window (at no less than 1:20 scale) shall be submitted for approval in writing by the Local Planning Authority (LPA). The dormer window, which shall have its roof constructed in lead shall be built in accordance with these agreed details.

**This application is on this Committee Agenda at the request of Councillor Knapman**

**Description of Proposal:**

This is a Grade II Listed Building application is for the conversion and subdivision of the existing dwelling into two dwellings.

**Policies Applied:**

Heritage Conservation Policy from the Essex and Southend on Sea Replacement Structure Plan:- HC3 – Protection of Listed Buildings.

Heritage Conservation Policy from Epping Forest District Council's Adopted Local Plan and Alterations:-  
HC10 – Works to Listed Buildings

**Issues and Considerations:**

The main issues with this application relate to the impact and appropriateness of this proposal on the Grade II Listed Building.

Few external changes are proposed to the building, the most significant of which is the installation of a dormer window on the south-western elevation, and changes to the position of windows. Conservation Officers raise no objection to this proposal, and recommend that Listed Building consent be granted.

Officers consider that the subdivision of the building and the extensions will not harm the historic character of this listed building, given the second house will be solely in the wing of this existing “L” – shaped building. The character of the main building will not be harmed by the conversion.

The application is recommended for approval.

**SUMMARY OF REPRESENTATIONS:**

PARISH COUNCIL – The Council has no objection to this application.

**Report Item no: 5**

<b>APPLICATION No:</b>	EPF/2117/06
<b>SITE ADDRESS:</b>	83 Queen's Road Buckhurst Hill Essex IG9 5BW
<b>PARISH:</b>	Buckhurst Hill
<b>APPLICANT:</b>	R Corpe
<b>DESCRIPTION OF PROPOSAL:</b>	Redevelopment to provide residential development of four, two bedroom flats and one, one bedroom flat with associated parking. (Revised application)
<b>RECOMMENDED DECISION:</b>	<b>GRANT</b>

**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 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or of any equivalent provisions of any Statutory Instrument revoking or re-enacting the Order) no windows other than any shown on the approved plan shall be formed at any time in the flank walls of the building hereby permitted without the prior written approval of the Local Planning Authority.
- 4 The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the

planting and liaison with the Local Planning Authority.

The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

### **Description of Proposal:**

Redevelopment to provide residential development of four, two bedroom flats and one, one bedroom flat with associated parking. (Revised application)

### **Description of Site:**

The site is located on the northern side of Queens Road not too far from the junction of King's Avenue. The application site is occupied by a two-storey building sharing a driveway with no. 85 Queens Road (adjacent neighbour to the west).

The application site at 83 Queens Road comprises a substantial 2-storey detached house of late 19<sup>th</sup> century date, sited between a terrace of more recent shops on the east side and similar large Victorian houses to the west. The plot has a frontage to Queens Road of 10.5m and a depth of about 67.5m, giving an overall site area of about 0.071 ha.

Queens Road consists of mixed-use developments from commercial to residential with varying styles and character of buildings along Queens Road.

### **Relevant History of Site:**

EPF/1214/77: *Refuse Permission* - Loft conversion.

EPF/0126/78: *Withdrawn* - Conversion into 2 no. flat units and retention of a ground floor room as office.

EPF/0242/78: *Grant Permission with Conditions* - Formation of room in roof space.

EPF/1482/06: *Refuse Permission* - Redevelopment to provide residential development of six, two bedroom flats with associated parking.

### **Policies Applied:**

Epping Forest District Local Plan & Alterations

DBE1: Design of new buildings

DBE2: Effect of new buildings on surroundings

DBE3: Development outside green belt

DBE6: Parking for new developments  
DBE9: Amenity considerations  
DBE11: Subdivision of residential to flats  
H3A: Housing Density.  
ST1: Location of Development  
ST2: Accessibility of Development  
ST4: Road Safety.  
ST6: Vehicle Parking

Essex & Southend-on-Sea Replacement Structure Plan April 2001

BE1: Urban Intensification  
H4: New Residential Development:

**Issues and Considerations:**

This is a full planning application for the redevelopment to provide residential development of six, flats with associated parking.

The main considerations for this proposal are:

- 1) Principle of redevelopment & Layout.
- 2) Scale & height of new buildings.
- 3) Design of new building.
- 4) Effect on neighbouring occupiers.
- 5) Access, highway and parking issues.
- 6) Trees & Landscaping.

1) Principle of redevelopment & Layout

The proposal would see the demolition of the existing building. The existing site has an established use as residential and it would not be appropriate to extend the adjacent commercial uses onto this site. Therefore the principle of a redevelopment to retain residential usage would be acceptable. The proposal would accommodate four 2-bedroom flats, one 1-bed flat with three car parking spaces at the front (off-street parking).

The adjacent neighbour to the west (no. 85 Queens Road) is residential while the adjoining neighbour to the east (no. 81 Queens Road) is commercial on the ground floor and residential above. No. 85 has a similar front building lines with the site while no. 81 has a front building line set forwards by approximately 4 metres.

The overall redevelopment of the site would be considered acceptable and would not harm the adjacent Town Centre or the adjoining neighbour to the west no. 85 Queens Road.



The layout consists of 2 units on the ground and first floor with each unit having 2 bedrooms and a combined living and kitchen. The roof accommodation will consist of a 1-bed unit. The layout of the units would not be considered cramped or inadequate and would be considered adequate for modern requirements.

## 2) The Scale & Height of new Building

The height of the existing building to be demolished is approximately 8.1 metres with the proposed building having an approximate maximum height of 9.75 an increase of approximately 1.65 metres. The height to the top of the parapet would be approximately 6.7 metres.

The scale of the new building would see the footprint increase but only slightly as the existing building has a corner gap to the northeast while the new building would be more of a regular shaped rectangle building.

Policy DBE1 of the Epping Forest District Local Plan states that new buildings *respect their setting in terms of scale, proportion, siting, massing, height, orientation, roof-line and detailing*. The policy goes on to say that *new buildings are of a size and position such that they adopt significance in the streetscene, which is appropriate to their use or function*.

The proposed height would seem to be acceptable and not regarded as out of character and would not be a dominant feature in the street scene.

## 3) Design of new Building

The design of the new building, though modern in style, would not be out of place in this setting.

The design is traditional with projecting front bays carried up to the first floor and finished in tiled gables. The main roof will be hipped on all sides and enclosed within an all round stone parapet and covered in charcoal grey concrete tiles. The walls will be in yellow London stock bricks with red stock soldier arches and string coursing.

East of the site, the terrace of 6 shops (nos.75-81) has no architectural merit, being of a 1930's design with bland elevations and flat roofs and sited forward to the back edge of the pavement. By contrast, no. 83 and the 6 houses to the west (nos. 85-95) are set back to a 4m building line and maintain their Victorian character, as family homes. No.83, however, has suffered over the years from a number of unsympathetic alterations in relation to its fenestration and flat roofed canopy across the full frontage. The new block will remedy these defects maintaining the visual appearance of a detached house, in a style that will blend with, and complement the adjoining houses to the west, thus enhancing the street scene.

## 4) Effect on Neighbouring Occupiers

The previous application (ref: EPF/1482/06) showed car parking spaces at the rear of the new building, which could disrupt the residential character and amenities of no. 85 Queens Road. The current application has omitted the car parking.

No. 81 Queens Road (adjoining neighbour) would have minimum impact with the proposal.

No.85 is a residential property but any impact here would be slight. All windows to habitable rooms will face front and rear and only the obscure glazed bathroom windows will feature on the west side elevation, where the opposing flank wall of no.85 is in solid brickwork with no window openings. Front forecourt parking will obviate the need for any car parking in the rear garden, thus eliminating any nuisance to the occupiers of no.85 or to the properties in Westbury Lane to the north.

#### 5) Access, Highway and Parking issues

Highways have no objection to the proposal. The Essex Planning Officers Association Vehicle Parking Standards 2001 page nine states that *high density developments in high accessibility areas such as town centres, local authorities are encouraged to allow development with little or no off-street parking, subject to the safeguarding of the character and appearance of the area.*

As the site is on the boundary of the town centre and shopping area and not too far from Buckhurst Hill Station, on-site parking would not be a pre-requisite.

Consultation with the Highway Authority on the previous scheme raised no objections in principle, subject to the provision of secure cycle storage with some on site car parking. The officer's report on that scheme however, confirmed that due to nearby shopping facilities and good transport links "on site parking would not be a pre requisite". Nevertheless, the existing site frontage has been used for car parking for many years and the proposal envisages this facility to remain and 3 standard car spaces are shown on the plan. Queens Road is a one-way street, from west to east and is subject to a 30 mph speed limit.

There is no intention to restrict access of no.85 to its garage at the rear.

#### 6) Trees & Landscaping

The revised application has positioned the car parking spaces at the front of the property instead of the back, which will eliminate the threat to the oak tree posed by the previous application. In dealing with the current scheme, the submission of a suitable landscaping scheme, also showing the position of the oak tree to be submitted in order to satisfy the Tree Officer's landscaping issues.

There is some boundary hedging to the rear garden with fencing in need of repair. The whole of this area will be laid out as a planted amenity area for the residents of the proposed flats, with boundaries defined in 1.8m high close boarded fencing. There is a large mature oak tree in the rear garden of the shop premises at no.81, which extends over the greater part of the garden of no. 83. These overhanging branches will not be lopped or removed and now that car parking has been excluded from this area, there will be no threat to the life and health of the tree canopy.

## Conclusion

The proposed redevelopment of the site would be considered acceptable and would not be excessive in scale and height and the design would be in character with the surrounding area, which is why the application is recommended for approval with conditions.

## **SUMMARY OF REPRESENTATIONS:**

BUCKHURST HILL PARISH COUNCIL – Objection, excessive development which is out of keeping with the surrounding houses. Roof line is unsympathetic to the existing structure.

85 QUEENS ROAD – The current proposal is far better than the previous application. The only concerns are regarding the shared access to the rear of both properties. Any reduction in the shared drive would restrict the use of the rear garage of number 85 and would inconvenience us and have a detrimental effect on our property.



# Epping Forest District Council

## Area Planning Sub-Committee



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<b>Agenda Item Number:</b>	<b>5</b>
Application Number:	EPF/2117/06
Site Name:	83 Queens Road, Buckhurst Hill
Scale of Plot:	1/1250

**Report Item no: 6**

<b>APPLICATION No:</b>	EPF/2201/06
<b>SITE ADDRESS:</b>	Magnolia House Vicarage Lane Chigwell Essex IG7 6LZ
<b>PARISH:</b>	Chigwell
<b>APPLICANT:</b>	D Marcus
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of first floor extension over existing garage and two storey link extension and conversion of garage to accommodation (revised application).
<b>RECOMMENDED DECISION:</b>	<b>REFUSE</b>

**REASONS FOR REFUSAL**

- 1 The site is within the Metropolitan Green Belt. The proposed development is at odds with Government advice, Policies GB2A and GB14A of the adopted Local Plan and Policy C2 of the adopted replacement structure plan for Essex and Southend on Sea, in that it constitutes a disproportionate extension to an existing dwelling. Thus this application is unacceptable, because the proposed extension, by reason of its siting, mass and bulk, would harm the objectives of the Metropolitan Green Belt, by adversely impacting on its openness.
- 2 The proposed extension, by reason of its siting, design and appearance, would be incongruous and disproportionate to the original house and thus detrimental to the design and appearance of the property as a whole. As such the proposal is contrary to the provisions of Policy DBE10 of the adopted Local Plan.

**This application is brought to the Committee's attention at the request of Councillor Sandler**

**Description of Proposal:**

First floor extension over existing detached garage and two storey link extension and conversion of garage to accommodation. The overall extension over the garage will measure 7m x 11.5m by 8.8m high with a hipped roof. The current garage measures 8.6m x 9.2 by 6m with a pyramidal roof.

**Description of Site:**

A detached two storey house, on a large plot some 150m to the north east of the Bowls Flats at the junction of Vicarage Lane and Lambourne Road. The whole site is within the Green Belt. The ground slopes down to the north. There is a large single storey annex on the site.

### **Relevant History:**

EPF/0835/96	Demolition of house and erection of replacement	approved
EPF/1173/98	Detached single storey annex	refused
EPF/1174/98	Triple garage and gardeners store	approved
EPF/1681/06	First Floor Extension	refused

### **Policies Applied:**

#### **Structure Plan**

C2 Green Belt

#### **Local Plan**

GB2A Green Belt Policy  
GB14A Extensions in the Green Belt  
DBE 9 & 10 Amenity

### **Issues and Considerations:**

The main issues are the impact of this proposal on the Green Belt, amenities of the street scene and neighbouring properties. It should be noted that this scheme is identical to the earlier 2006 application.

#### **Green Belt**

- The building currently on site is a replacement erected in the late 1990's and is a large building in its own right.
- The current building has an area of 207m<sup>2</sup>. This proposal will increase the area by a further 100m<sup>2</sup>, an increase over the existing property of 48%. The limits laid down in the recently adopted Local Plan Alterations states that an extension should not be more than a 40% increase over the floor space of the original building, or above 50m<sup>2</sup>. This application fails on both counts.
- The proposed extension would be disproportionate to the existing house, which already meets contemporary living standards. This is because it is not a limited extension, but one that would increase the bulk, height and spread of the building to the north unacceptably, impacting adversely on the openness and character of the surrounding Green Belt.
- The applicant has argued that the works are needed to allow extended family members to live at the site. However the personal circumstances of an applicant are rarely considered to outweigh the harm caused to the Green Belt. It should be noted that this is already a large house with a number of large outbuildings and as this is the case there is no justification to allow a scheme which is contrary to policy. There are no very special circumstances which would justify a grant of permission.

#### **Design**

- This extension is an over-large and bulky addition to this building and would be incongruous as it unbalances the building. It is out of scale and character with the existing building and the character and appearance of the Green Belt.

#### **Neighbour Amenity**

- There would be no overlooking or overshadowing of neighbouring properties.

## **Conclusions**

This is an excessively large extension that is contrary to the Council's Green Belt policies. For the reasons stated above this application is recommended for refusal.

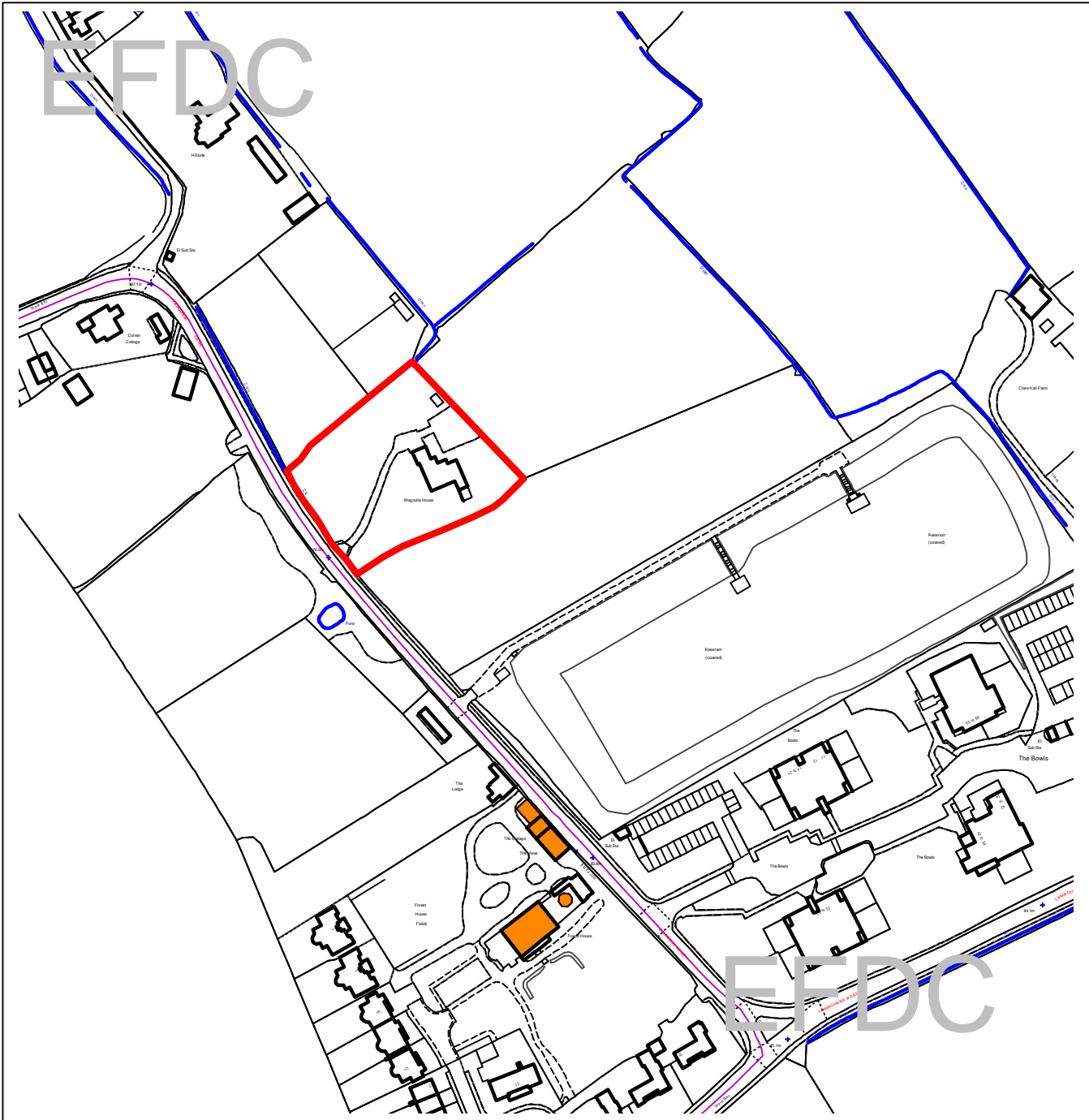
## **Summary of Representations**

PARISH COUNCIL – Support this application.



# Epping Forest District Council

## Area Planning Sub-Committee



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<b>Agenda Item Number:</b>	6
Application Number:	EPF/2201/06
Site Name:	Magnolia House, Vicarage Lane, Chigwell
Scale of Plot:	1/2500



**Report Item no: 7**

<b>APPLICATION No:</b>	EPF/1961/06
<b>SITE ADDRESS:</b>	Adjacent To 1 - 9 Oakfields Lower Alderton Hall Lane Loughton
<b>PARISH:</b>	Loughton
<b>APPLICANT:</b>	Estuary Housing Association and Epping Forest District Council
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of 6 no. residential units (flats) with associated parking. (Revised application)
<b>RECOMMENDED DECISION:</b>	<b>GRANT</b>

**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 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- 4 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.
- 5 The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting

area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority.

The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

- 6 Prior to the commencement of the development details of the proposed surface materials for the parking area shall be submitted to and approved in writing by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first occupation of the development.
- 7 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents (staff) and visitors vehicles.
- 8 A pedestrian visibility splay of 1.5 metres x 1.5 metres (as measured from the back of the footway) shall be provided either side of the vehicular access with no obstruction above 600mm within the area of the splay.
- 9 Measures shall be taken to ensure that no surface water shall drain onto the highway.
- 10 Prior to the commencement of the development, details of the proposed vehicular access shall be submitted for approval in writing to the Local Planning Authority and the works shall be completed prior to the first occupation of the flats hereby approved.
- 11 Prior to the commencement of the development, details of secured covered bicycle and motorcycle parking shall be submitted for approval in writing to the Local Planning Authority. The parking area shall be provided in accordance with these approved details and be in situ prior to the first occupation of the flats hereby approved.
- 12 All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the 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.
- 13 A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using Windes or other similar programme. The approved measures shall be undertaken prior to the first occupation of the building hereby approved and shall be adequately maintained.

### **Description of Proposal:**

This application is for the erection of a block of four one-bedroom flats and two two-bedroom flats, with associated car parking and amenity space. The building is to be built in two parts, which are linked together forming a staggered structure, and would be to a maximum height of 8.2m.

It is a revision to an earlier scheme reducing the building from 3 storeys to 2, and the number of flats from 9 to 6. The flats would be 'affordable' being provided by a Housing Association.

### **Description of Site:**

The application site comprises an area of hardstanding to the north of Oakfields, Lower Alderton Hall Lane. The site is located between the communal green area of Oakfields and the railway line. The surrounding area is entirely residential and is comprised of a mix of two and three-storey flats, and two-storey houses.

### **Relevant History:**

EPF/1152/02 – Outline application for the erection of two new houses – Granted permission on 4/9/02

EPF/900/06 – Erection of 9 no. residential units (flats) with associated parking – Withdrawn on 7/6/06

EPF/1140/06 – Erection of 9 no. residential units (flats) with associated parking – Refused 19/7/06.  
Reason for refusal:

1. The proposal, by reason of its scale and design would result in a bulky and incongruous development, out of keeping with the locality and detrimental to the visual amenities of the residential living in close proximity. It would therefore be contrary to Policies DBE1, 2 and 9 of the adopted Local Plan.

### **Policies Applied:**

Structure Plan:

H2 – Housing Development: The Sequential Approach

H3 – Location of Residential Development

H4 – Development form of New Residential Developments

BE1 – Urban Intensification

Local Plan:

DBE1 – Design of New Buildings

DBE2 – Effect of New Buildings on surroundings

DBE3 – Distinction between Public & Private Realm

DBE6 – Position of Car Parking for New Residential Developments

DBE8 – Provision of Private Amenity Space

DBE9 – Amenity Considerations

H2A – Residential Development on Previously Developed Land

H3A – Housing Density

H4A – Dwelling Mix

ST1 – Location of Development

ST2 – Accessibility of Development

## **Issues and Considerations:**

The previous application was refused due to its scale and design, which would have resulted in a bulky development out of keeping with the surrounding area.

### Scale

This revised application has reduced the amount of residential units from 9 to 6, and although the development is of an identical footprint to that previously refused, it has been reduced from a three storey building to two storeys. This has resulted in a proposal 8.2m in height, as opposed to the previous 10.4m (highest point) of the previous application.

This proposal would be considerably lower than the neighbouring block, 1-4 Woodlands Court, and to Oakfields to the south, even taking into account its slightly elevated position. Due to this the development would not appear overdominant within its surroundings.

### Design

This proposed development would consist of a more traditional two storey building with a pitched roof, however it would still exhibit aesthetics that are more modern, such as a mixture of window sizes and perforated aluminium screening to balconies. The pitched roof would have 'mismatched pitches' to allow for north facing clerestory windows and when viewed from the side this would provide an unusual design feature.

This design is a lot more traditional than the previous scheme and officers feel that the overall design of the development is of a particular good quality and acceptable. Also, given that none of the properties in the immediate area are of any architectural merit and as there is a great need for this type of housing in the District, on balance the development would generally be acceptable.

### Amenity

The previous reason for refusal was partly due to the effects on the visual amenities of residents living in close proximity. As the building height has been reduced by one storey there are less windows in the front wall overlooking Oakfields. Although there would still be some windows and balconies facing this neighbouring property the site is currently open to the public and therefore there is little privacy to protect on this flank wall.

### Location

There was no previous reason for refusal with regards to the developments location. This site is previously developed land (garages) within an existing residential area and was previously approved outline consent for residential development. It is close to local amenities and public transport and is easily accessible on foot or bicycle.

### Other matters

Eight car parking spaces are proposed at the east of the site on either sides of the access, which would serve six flats, and subject to conditions there would be no highways issues with regards to this scheme.

There is a need for covered cycle and motorcycle storage to comply with Policies ST1 and ST2 of the Local Plan. Also further details about a landscaping scheme would be required. However these can be addressed via conditions.

**Conclusion:**

The scheme has been significantly amended from the earlier refused scheme and now that the impact upon the adjacent flats has been reduced and the design revised, It is felt that this proposal is acceptable and therefore this application is recommended for approval.

**Summary of Representations:**

TOWN COUNCIL – Object as it is contrary to Policies DBE1 (i), (ii) & (iii), DBE3 (ii) and DBE8 (iii) and they consider this to be overdevelopment and an unattractive design.

9 OAKFIELDS – Object due to an increase in pollution, noise and traffic and a loss of privacy.

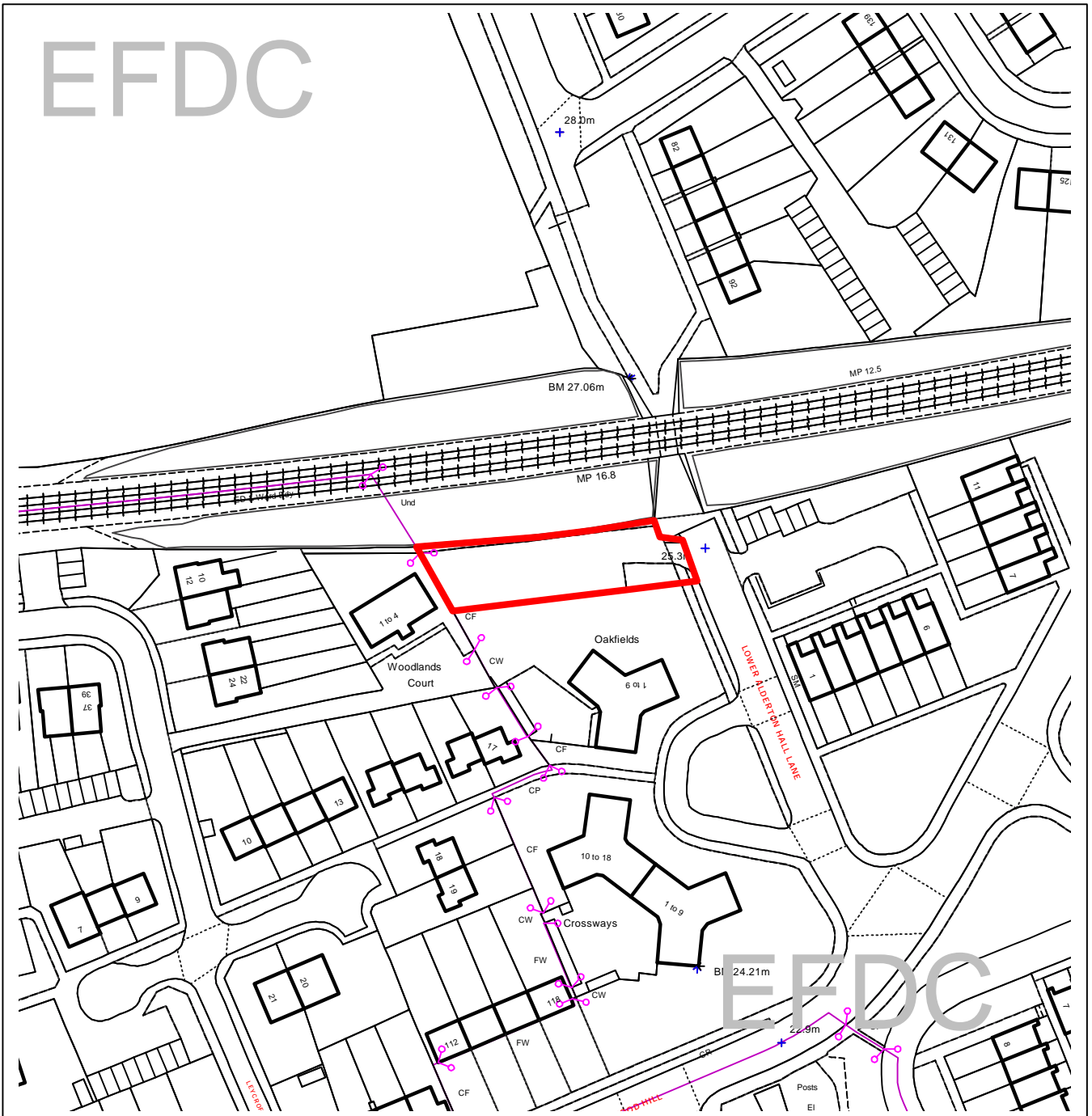
3 OAKFIELDS – Object due to loss of privacy, increased noise, loss of an informal parking area, and as there is no boundary fence between the proposed development and Oakfields.

6 OAKFIELDS – Object due to the increased movements to and from the site, loss of privacy and a possible increase in noise.



# Epping Forest District Council

## Area Planning Sub-Committee



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<b>Agenda Item Number:</b>	7
<b>Application Number:</b>	EPF/1961/06
<b>Site Name:</b>	Land adj to 1-9, Oakfields, Loughton
<b>Scale of Plot:</b>	1/1250

**Report Item no:8**

<b>APPLICATION No:</b>	EPF/2043/06
<b>SITE ADDRESS:</b>	127 High Road Loughton IG10 4LT
<b>PARISH:</b>	Loughton
<b>APPLICANT:</b>	Littlecroft Properties Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Single storey rear extension and first floor rear extension.
<b>RECOMMENDED DECISION:</b>	<b>GRANT</b>

**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 shall be carried out in accordance with the amended plans received on 8 December 2006 unless otherwise agreed in writing with the Local Planning Authority.
- 3 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.
- 4 Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or of any equivalent provisions of any Statutory Instrument revoking or re-enacting the Order) no windows other than any shown on the approved plan shall be formed at any time in the flank walls of the building hereby permitted without the prior written approval of the Local Planning Authority.
- 5 Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or of any equivalent provisions of any Statutory Instrument revoking or re-enacting that Order) no enclosure or balcony shall be formed at any time on the roof of the extension hereby approved without the prior written approval of the Local Planning Authority.

**Description of Proposal:**

Single storey rear extension and first floor rear extension.

**Description of Site:**

The site is located on the southeastern side of Loughton High Road. The site is occupied by a detached two-storey building with roof space. The existing use of the building is commercial on the ground floor and commercial (B1) on first and second floor (roof).

The frontage to Loughton High Road is set back approximately 4.5 metres, and is in line with the adjoining buildings. At ground level, the existing premises are approximately 18 metres deep, and to the rear is a yard of approximately 6.5 metres depth with existing dilapidated outbuildings.

To the west of the site is Lincoln Hall, a large single storey building with a pitched roof. To the east is a small group of modern houses all single storey with pitched roofs.

To the rear of the site is a new Sainsbury's supermarket having a minimum distance of approximately 3-5 metres away from the rear boundary of the site.

The site is very close to Loughton Town Centre and have very good access to the tube station and bus routes, there being a bus stop outside the houses to the east of the site. The site falls into the category of 'Secondary Shopping Frontage' on the proposals map.

### **Relevant History:**

EPF/0855/06: *Granted Permission* - New office sign.

EPF/1972/04: *Granted Permission with conditions* - Application for change of use from B1 office use to Class A1 Retail.

EPF/1074/93: *Grant Permission* - Change of use of ground floor of premises from B1 use to A1 (retail) or A2 Financial and Professional services.

EPF/0390/83: *Grant Permission* - Continued use of 1st and 2nd floors as offices.

### **Policies Applied:**

Adopted Local Plan Alterations

TC2 – Sequential Approach

TC3 – Town Centre Function

E2 – Redevelopment/extension of existing premises for business and general industrial uses.

DBE2 – Detrimental effect on existing surrounding properties.

DEE9 – Excessive loss of amenity for neighbouring occupiers.

### **Issues and Considerations:**

The main issues with this application are the scale of the proposal, acceptable within the Town Centre and impact on adjoining occupiers.

Scale of the proposal

The proposal is for a single storey rear extension and first floor rear extension. The single storey rear extension will have a depth of 6.1 metres and will have a maximum height of 4.2 metres. The single storey rear extension will be set in by a minimum of 1 metre from the flank wall.

The first floor rear extension will be set-in by a minimum of 2 metres from the flank wall. The depth of the first floor rear extension will be 6.3 metres.

The scale of the proposal would not be regarded as excessive or bulky for a building of this size. The rear yard is not used and has two small outbuildings, which have not been used for a long time. The proposal would extend over the entire rear yard but the yard serves no purpose and the proposed single storey rear extension would be acceptable.

The scale of the proposed single storey and first floor extension would be regarded as acceptable.



Acceptable within the Town Centre

The Council would accept extensions to existing premises providing it does not involve a change of use for the loss of the employment generating use.

The proposal would see an increase of employment generating floorspace therefore the proposal would be considered acceptable.

Impact on Neighbouring Occupiers

The two neighbours who would be affected by the proposal are nos. 129/131 east of the site and Lincoln Hall west of the site.

The existing building is set away by a minimum of 2.2 metres from the flank wall of Lincoln Hall and 4.4 metres from the flank wall of no. 129/131.

The first floor rear extension would be set away by a minimum of 2 metres facing nos.129/131 thus decreasing any overshadowing which may occur. The first floor rear extension would be built right up to the boundary with Lincoln Hall. However as there is a minimum separation distance of 2.2 metres, the proposed first floor extension would be acceptable.

The applicant has provided sunlight/daylight sketches, which are to scale, showing the impact in terms of loss of sunlight/daylight with the residential units (nos. 129/131). The sketches prove that shadows would be little different to existing, due to the set in of 1 metre on the ground floor and 2 metres on the first floor, and would not impact upon the flank windows or garden of nos.129/131. The flank windows of no.129/131 serve kitchen & utility room only, which are not regarded as habitable rooms.

There are no flank windows proposed therefore no overlooking issues would occur. However the existing rear extension on the ground floor is being used as a balcony so a condition will be added to the decision notice to ensure the flat roof of the rear extension cannot be used as a balcony.

The proposals would have minimum impact with the neighbouring occupiers therefore the extensions are considered acceptable.

Conclusion

The proposed single storey rear extension and first floor rear extension would not be regarded as excessive in scale or bulk and would not be detrimental to the amenities of the neighbouring occupiers therefore the application is recommended for approval with conditions.

### **SUMMARY OF REPRESENTATIONS:**

LOUGHTON TOWN COUNCIL – The committee objected to this application, which is contrary to Policy DBE 9 (i), (iii) and (iv) of Epping Forest District Council's adopted Local Plan.

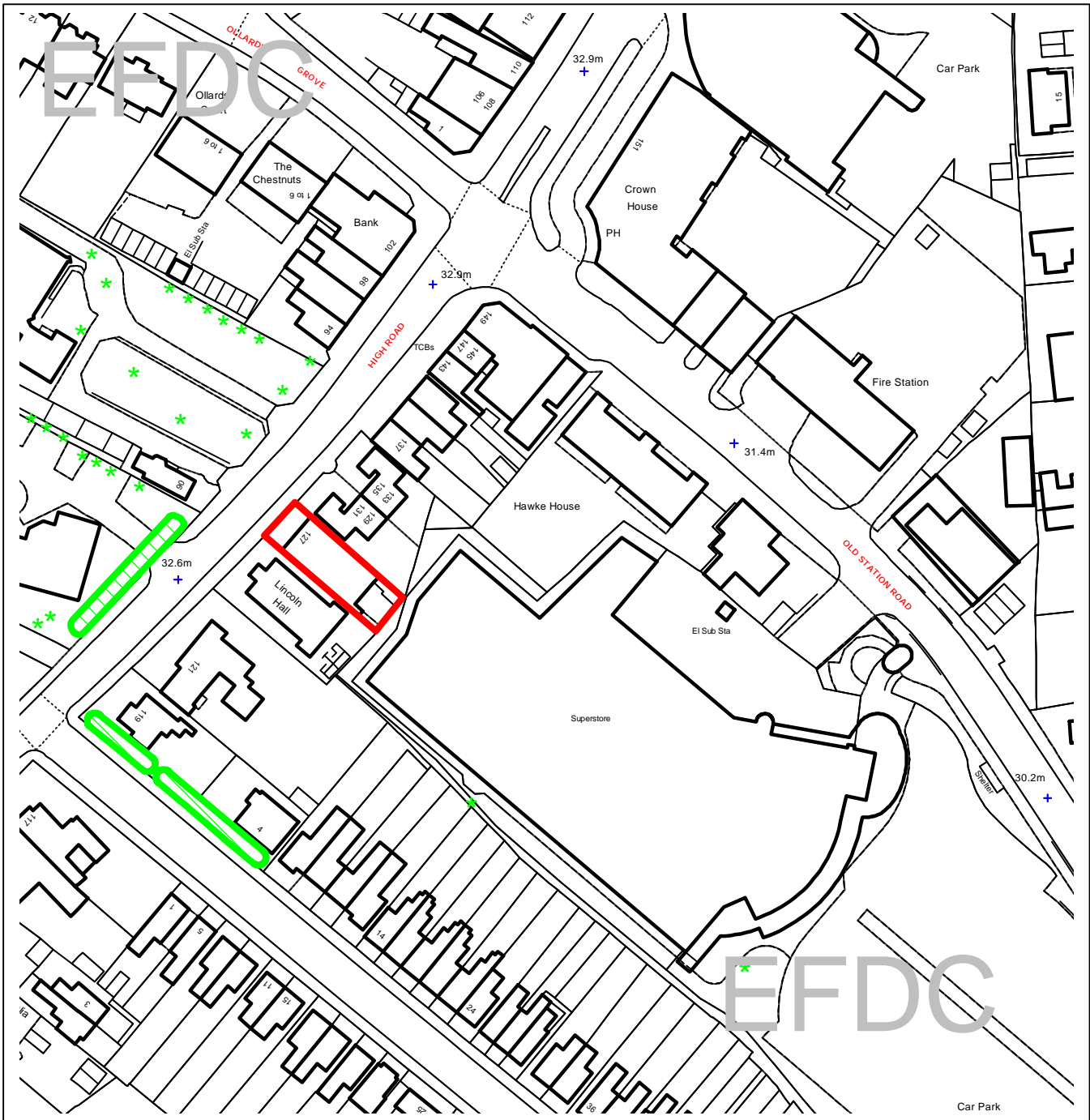
LINCOLN ALMSHOUSES CHARITY – We are responsible for the bungalows at 129 and 135 High Road and object to the proposal as it will cut out light and will cause disturbance to tenants during the building works.

129/135 HIGH ROAD – Object to any new building as it would cut out light from our bedrooms and kitchen windows. The disturbance is a concern to us as we are elderly.



# Epping Forest District Council

## Area Planning Sub-Committee



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<b>Agenda Item Number:</b>	<b>8</b>
Application Number:	EPF/2043/06
Site Name:	127, High Road, Loughton
Scale of Plot:	1/1250

**Report Item no: 9**

<b>APPLICATION No:</b>	EPF/2136/06
<b>SITE ADDRESS:</b>	3 Upper Park Loughton Essex IG10 4EY
<b>PARISH:</b>	Loughton
<b>APPLICANT:</b>	Upper Park Developments Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of two storey and single storey side extension, front and side canopies to form a total of three (3) dwellings on the site.
<b>RECOMMENDED DECISION:</b>	<b>GRANT</b>

**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 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 Prior to first occupation of the building hereby approved the proposed window openings in north west elevation shall be fitted with obscured glass and have fixed frames, and shall be permanently retained in that condition.
- 4 Before work commences on site, details of secure cycle and motorcycle parking shall be submitted to and approved in writing by the Local planning Authority. The approved details shall be implemented before any of the units hereby approved are occupied.
- 5 Before work commences on site, details of the parking layout and the surface materials in the parking areas, shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented before any of the units hereby approved are occupied.
- 6 Before work commences, details of a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before any of the units hereby approved are occupied and shall be retained thereafter.
- 7 Construction work (which includes deliveries and other commercial traffic) shall only take place on site between 07:30 to 18:30 hours Mondays to Fridays and 08:00 to 13:00 hours on Saturdays and at no times on Sundays and Bank Holidays unless

otherwise agreed in writing by the Local Planning Authority.

### **Details of Proposal:**

Two-storey side/single storey rear extension; Victorian decorative style canopies to front and side entrance and conversion of resultant building to three vertically split dwellings. Front garden layout shows parking for four cars.

### **Description of Site:**

Mixed residential area within close walking distance of the commercial area of the High Road, public transport including underground station. This is a semi-detached property, located towards the High Road junction. Smaller terrace houses in High Gables have rear gardens backing onto the side boundary of the site.

### **Relevant History**

EPF/1058/94 – Two storey side extension – Approved and built.

EPF/186/98 – Conversion of garage to lounge – Approved and implemented.

EPF/650/04 – Erection of two-storey side/rear extension and conversion of property into 5 x 1 bedroom flats – Refused planning permission. Subsequent appeal dismissed; Planning Inspector considered that the extension was overbearing and too dominant from the rear gardens of nos. 13,14 and 15 High Gables.

EPF/978/05 – Erection of two-storey side/single storey rear extension and conversion into 4 flats – Refused planning permission. Subsequent appeal this time Allowed.

### **Relevant Policies**

Local Plan policies:

DBE2 and 9 – Proposal should not result in excessive loss of amenity to neighbours.

DBE10 – Design and appearance in the street scene.

DBE11 – Subdivision of residential properties.

### **Issues and Considerations**

The main issue is whether this proposal is materially different in terms of its impact on the character of the surrounding area and the amenities of local residents than that allowed in 2006 on appeal.

The proposed extension is of the same size and appearance as that previously allowed on appeal except for an extra ground floor window and French-doors in the flank elevation of the single-storey rear extension, a new entrance door on the front elevation and the proposed two canopies. (The earlier dismissed appeal was for a wider and larger two-storey extension nearer to the rear

gardens of High Gables properties). There will be no harm to the amenities of the adjoining residents or to the character of the street. The proposal complies with policies DBE9 and 10 of the Local Plan.

The previous appeal allowed 4 flats with 3 parking spaces. Local residents raised objections on grounds of insufficient off-street parking, but this was not considered to be a reasonable objection by the Planning Inspector for a site well located relative to public transport and shopping facilities. This proposal is for 3 vertically split residential units (2x1-bedroom units and 1x2-bedroom unit) with 4 parking spaces. This is therefore more off-street parking provision, but one less unit.

The character of the surrounding area will therefore not be harmed and the proposal complies with policy DBE2 and 11 of the Local Plan.

Given the conclusions of the previous appeal decisions, officers consider that for a less intensive development of the same size extensions and one more parking space in the front garden, the proposal is acceptable and permission should be granted.

### **Summary of Representations**

TOWN COUNCIL – Object. Contrary to policies DBE9(i) & (iv), DBE10 (i), (ii) & (a) and DBE11, due to the property being too large for the surrounding area and it being changed to a terrace.  
FLAT 19, GRANGE COURT – No objections to the frontal building, but concerned over additional parking. Live in flats totalling 44 with only 23 parking spaces and therefore park opposite no.3. Will add to traffic.

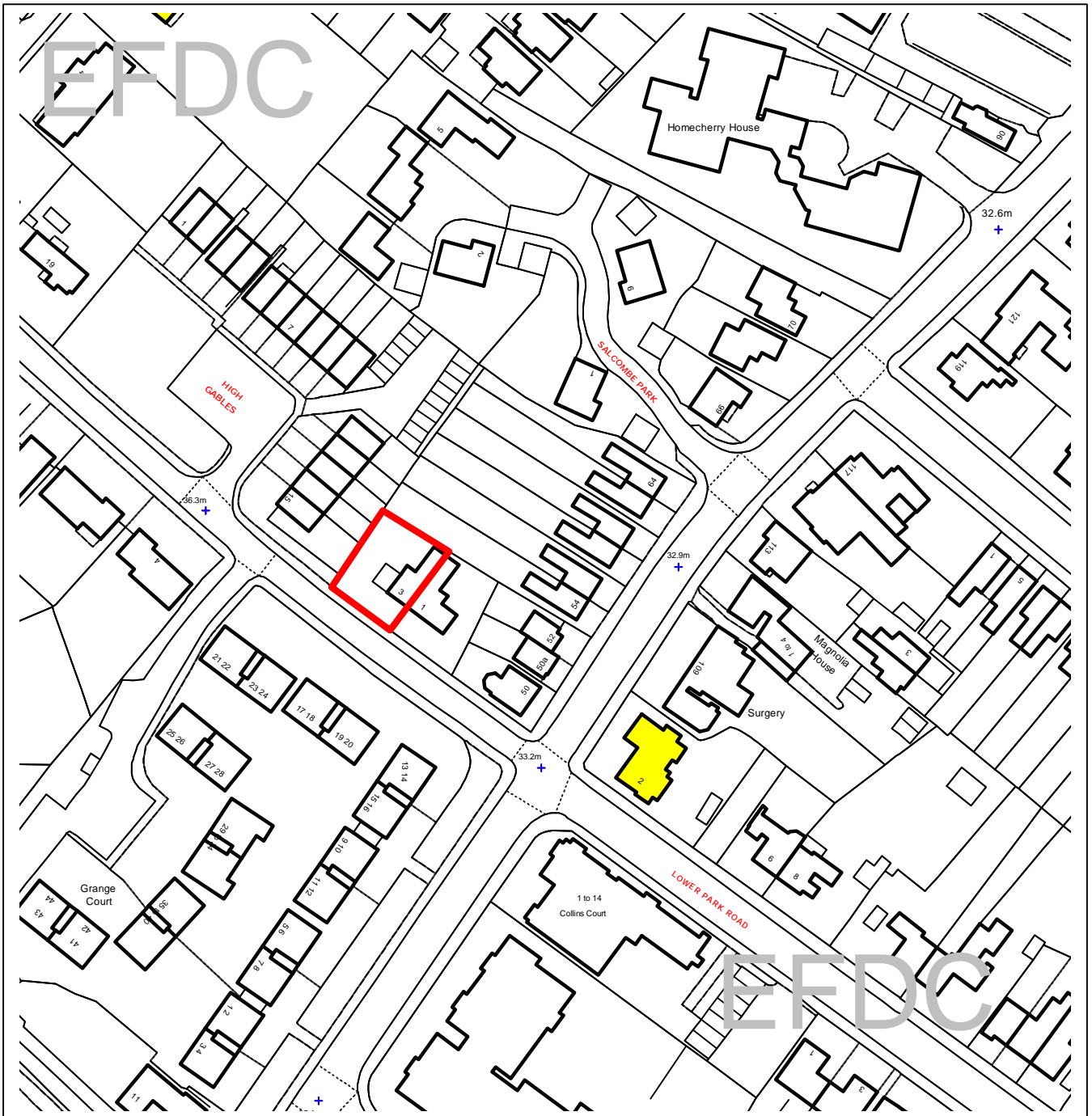
50 UPPER PARK – Work commenced 2 weeks ago, why ask for my comments if allowed on appeal.

LRA PLANS GROUP – Object for same reasons as previous application.



# Epping Forest District Council

## Area Planning Sub-Committee



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<b>Agenda Item Number:</b>	<b>9</b>
Application Number:	EPF/2136/06
Site Name:	3, Upper Park, Loughton
Scale of Plot:	1/1250

**Report Item no: 10**

<b>APPLICATION No:</b>	EPF/2167/06
<b>SITE ADDRESS:</b>	Fratelli Deli Cafe 240 High Road Loughton IG10 4RB
<b>PARISH:</b>	Loughton
<b>APPLICANT:</b>	Fratelli Deli Café
<b>DESCRIPTION OF PROPOSAL:</b>	Retention of use for a mixed usage of class A1 and A3 use.
<b>RECOMMENDED DECISION:</b>	<b>GRANT</b>

**CONDITIONS**

- 1 The premises shall be used solely as a mixed A1/A3 use, and at no time shall become an A3 use only, without the prior written approval of the Local Planning Authority
- 2 There shall be no cooking on the premises at any time.
- 3 Within 1 month of the grant of this permission a scheme providing for the adequate storage of refuse from this use shall be submitted to and approved by the Local Planning Authority. The scheme shall be carried out and thereafter retained at all times.
- 4 The rating level of noise (as defined by BS4142:1997) emitted from any external mechanical plant shall not exceed 5dB(A) above the prevailing background noise level. The measurement position and assessment shall be made according to BS4142:1997.

**Description of Proposal:**

Retention of use as a Deli Cafe (mixed A1/A3 use) from use as A1 retail.

**Description of Site:**

Three storey mid terrace shop unit at ground floor with residential units above. The site is within the boundaries of Loughton Town Centre, and is within the primary shopping frontage.

**Relevant History:**

Various, recently related to signage

## **Polices Applied:**

### **Government Policy**

PPG 6 Town Centres & retail developments

### **Structure Plan**

TCR 3 Town Centres

### **Local Plan**

TC3 Town Centre Function

TC4 Non Retail Frontage

## **Issues and Considerations:**

The main issues in this application are the effects on the amenities of the vitality of the town centre. It is acknowledged that this use has been ongoing for some time and subject of an enforcement investigation, but the application must be assessed on its own merits in line with the criteria laid down in the recent local plan alterations.

### Retail Use and Effect on the Town Centre

The current use of the property is a mixed use of retail and restaurant use (A1/A3), and thus it is a change from a pure A1 retail use. This classification as a mixed use, as opposed to a purely A3 use, is supported by several recent appeal decisions concerning this type of use, and by the visits as a result of the ongoing enforcement investigation.

It must therefore be considered whether this mixed used would affect the vitality of the Town Centre to a degree that warrants refusing permission. The proportions of retail to other units in the town centre is currently (including this unit) 74% to 26%. The Local Plan Alterations aim for a retail frontage of 70%, and therefore the retention of this change of use is in line with the Council's adopted policy.

It is also the case that this part of the town centre (from The Drive to 258 High Road) has 18 other units, of which 10 are A1, 5 are A2, and 3 A3 (Restaurant) or A5 (hot food takeaway). Therefore this use sits in a part of the frontage of the Town Centre with a majority retail use and a strong service use.

It is also the case that Structure Plan policy TCR3 (and Central Government Guidance in PPG6) encourages diversification of town centre developments that make the centres vital and vibrant throughout the day and in the evening, as different but complementary uses can widen the range and quality of activities thereby making town centres more attractive to local residents, shoppers and visitors. This is a use which does attract pedestrian customers to this area of the High Street, and it is considered that this use is in keeping with modern shopping areas, which are evolving into several new uses such as this, and will enhance the vitality of the area.

It is accepted that there will be competition from this proposal to the similar established uses, but the planning system is not designed to protect businesses from competition. Whilst it may be regretted that this use has already been established, this would not, in itself, justify a refusal.

It should also be noted that the recent appeal against a refusal of a Costa Coffee Shop at 230 High Road has just been allowed, with the Inspector stating that:



“the evidence before me points to a reasonable mix of uses in the centre and not a harmful proliferation of A3 establishments, in accordance with the aim of policy TC2. Accordingly, I conclude that the proposed development would not be harmful to the character and vitality of the centre”.

In the evidence presented to the Inspector Fratelli was identified as an A1/A3 use in the centre, which had been included in the percentage of current non retail uses.

The committee may be concerned that this may, in time, become an A3 use only, (such as a restaurant or wine bar etc), creating a ‘dead’ use during the day, and officers have recommended imposition of a condition to avoid this possibility.

#### Conclusion

This application complies with the recently adopted local plan alterations, and is in line with the Structure Plan and Government Guidance. A recent appeal decision would also point to granting permission. The recommendation is therefore for approval.

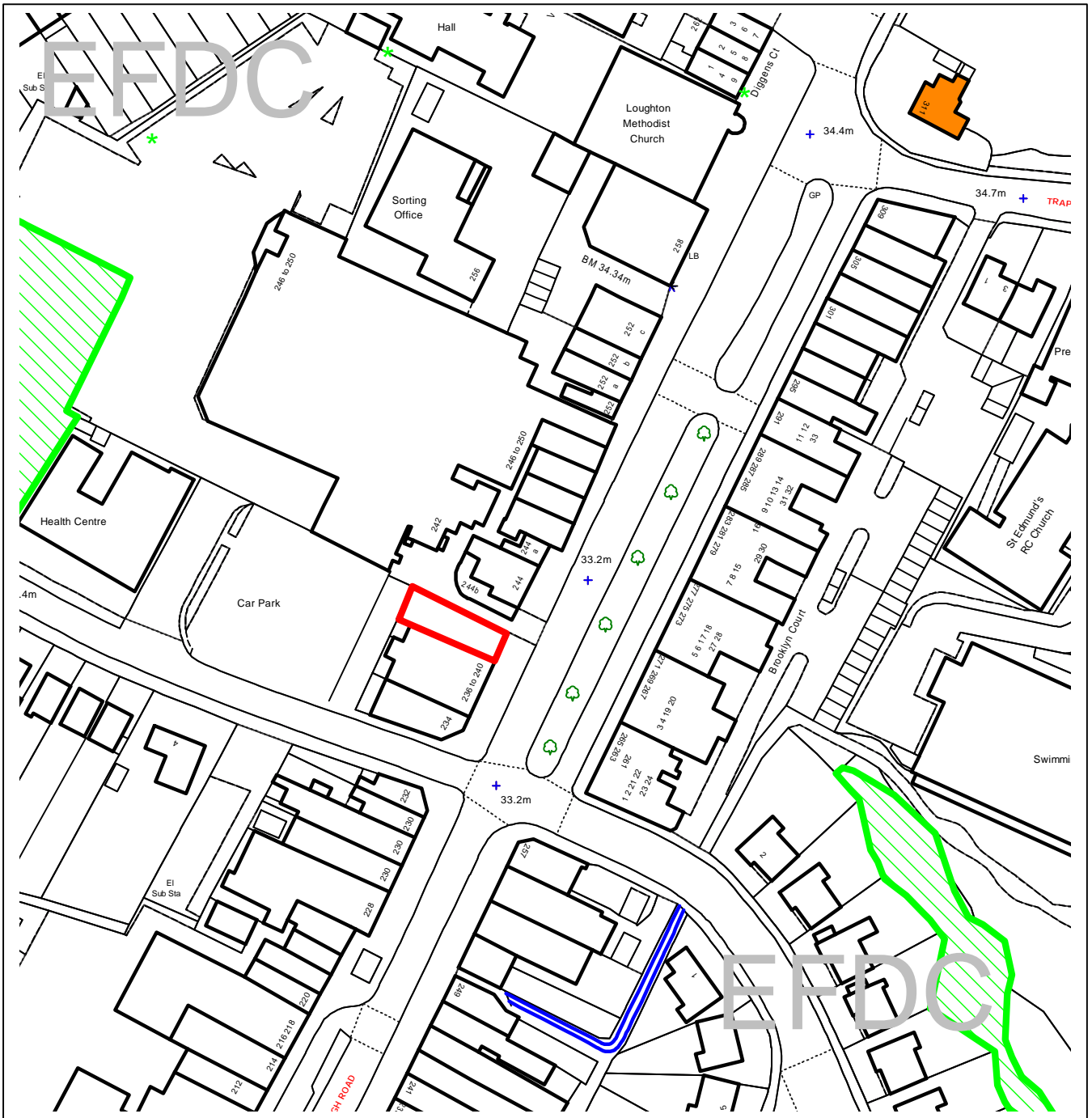
#### **Summary of Representations Received**

TOWN COUNCIL – OBJECT, regretted a further loss of another retail unit. The local plan recommends a maximum of 30% of shops in the High Road should be for non retail units.  
LOUGHTON RESIDENTS ASSOCIATION – shop converted without permission since 2005. Loss of retail shop, concerned at transparent abuse of the planning system.



# Epping Forest District Council

## Area Planning Sub-Committee



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<b>Agenda Item Number:</b>	<b>10</b>
Application Number:	EPF/2167/06
Site Name:	240, High Road, Loughton
Scale of Plot:	1/1250

**Report Item no: 11**

<b>APPLICATION No:</b>	EPF/2212/06
<b>SITE ADDRESS:</b>	7 Ashfields Loughton Essex IG10 1SB
<b>PARISH:</b>	Loughton
<b>APPLICANT:</b>	A Mothew
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of a wind turbine
<b>RECOMMENDED DECISION:</b>	<b>GRANT</b>

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

**Description of Proposal:**

Consent is being sought for the erection of a wind turbine. This would be located on the northeastern flank wall and would extend 2m above the ridge height. The pivot arm of the turbine would be 2.4m in length and the diameter of the blades would be 1.75m in total.

**Description of Site:**

Detached house located on the eastern side of Ashfields, Loughton, which is a small cul-de-sac serving 14 houses. Due to the gradient of the site the house appears as a single storey bungalow when viewed from the front and a two storey house when viewed from the rear, and has a detached garage at the northern corner of the site. There are two preserved trees at the side of the property.

**Relevant History:**

EPF/273/81 – Retention of garage – approved/conditions 23/3/81

**Policies Applied:**

Local Plan  
CP10 – Renewable Energy Schemes  
DBE1 – Design  
DBE9 – Amenity Considerations

LL10 – Retention of Trees

Structure Plan

EG2 – Renewable Energy Schemes

### **Issues and Considerations:**

The main issues here are with regards to the design of the turbine and its effects on the amenities of neighbouring properties.

Planning Policy Statement (PPS) 22: Renewable Energy, states that Local Planning Authorities “should recognise the full range of renewable energy sources.. and the potential for exploiting them subject to appropriate environmental safeguards”. There is currently a great demand for renewable energy sources and even “small scale projects can provide a limited but valuable contribution to overall outputs of renewable energy”.

This demand for renewable energy is enforced via Structure Plan policy EG2 and Local Plan policy CP10, which states that “renewable energy schemes will be permitted provided there is no significantly adverse effect upon: Existing land uses from loss of visual amenity, noise, pollution or odour”. This also ties in with Local Plan policy DBE9, in that it protects against loss of amenities to neighbouring properties.

Environmental Services are of the opinion that in the proposed position the wind turbine would not result in disturbance to neighbours as it is at the furthest point from both neighbours and sufficient distance from the dwellings on Sedley Rise.

PPS22 states that “the wider environmental and economic benefits of all proposals for renewable energy projects, **whatever their scale**, are material considerations that should be given **significant** weight in determining whether proposals should be granted planning permission” (own emphasis). Although the size of the pivot arm and blades would be greater than the wall mounted aerial which it is replacing, this would be located on the far side of the dwelling and not easily seen from the road.

The proposed wind turbine would be located reasonably close to a protected oak tree, however officers are satisfied that there would be no tree issues with regards to this development.

### **Conclusion:**

As the proposed wind turbine would not result in loss of amenities to neighbouring properties or damage to the preserved trees, and any detrimental visual effect would be outweighed by its environmental benefit, this application is recommended for approval.

### **Summary of Representations:**

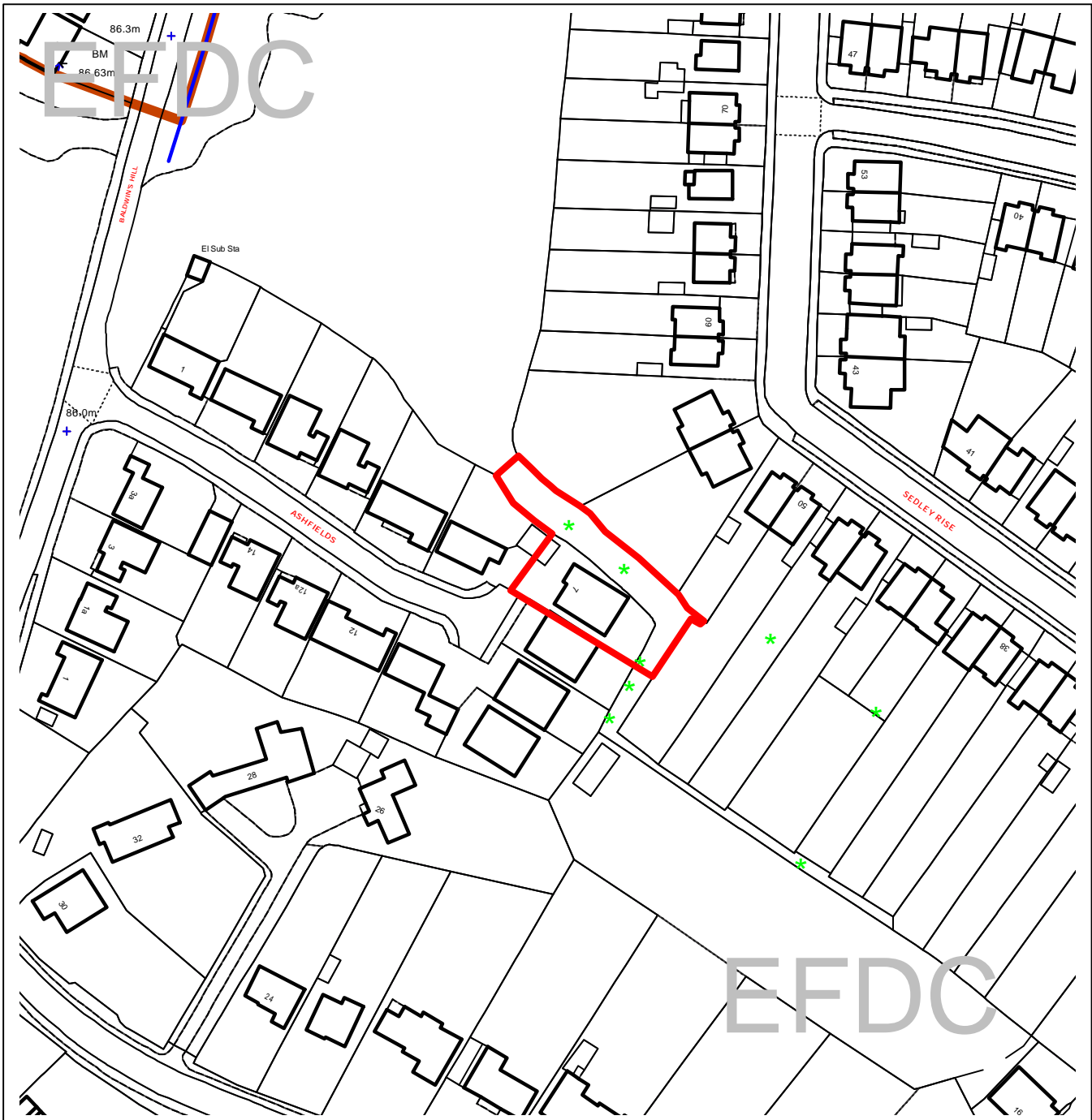
TOWN COUNCIL – Object as it is contrary to policy DBE9 (i) & (iv) due to its visual impact and would be noisy and unattractive to neighbours.

56 SEDLEY RISE – Object to its appearance, possible noise, and as it would set a precedent for further turbines to be erected.



# Epping Forest District Council

## Area Planning Sub-Committee



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<b>Agenda Item Number:</b>	11
Application Number:	EPF/2212/06
Site Name:	7, Ashfields, Loughton
Scale of Plot:	1/1250