

# **Report to District Development Control Committee**

**Date of meeting: 6<sup>th</sup> June, 2018**

**Subject: EPF/2946/17, 1 Bushey Lea, Ongar**

**Officer contact for further information: C Isolda Ext 4380**  
**Committee Secretary: G Woodhall, Ext 4470**

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**Epping Forest  
District Council**

**Retrospective application for boundary wall.**

## **CONDITIONS**

- 1. The amendments shown in the approved drawings shall be carried out within 3 months of the date of this approval.**

The application was put forward by Officers to Area Plans Sub Committee East on 4<sup>th</sup> April, 2018 with a recommendation for approval, subject to the above conditions. Members then referred the application to District Development Management Committee. This report carries no recommendation from Members of Area Plans Sub Committee East.

## **Report Detail**

This application is before this Committee since it has been 'called in' by Councillor Keska (Pursuant to The Constitution Part 3: Scheme of Delegation, Appendix 4)

### **Description of Site:**

The application site is a modest link detached two storey cottage, on the northern side of Bushey Lea. The property is within the Ongar conservation area and within the setting of the Listed Building, 40 High Street Ongar. Bushey Lea is a small lane directly off of Ongar High Street. The northern side of the lane is characterised by Victorian semi-detached, characterised by their large front gardens, a number of which have mature planting. The lane acts as a transition from the High Street and conservation area to the countryside beyond, with open fields at the end of the lane. A separate application has been made for the retention of extensions to the property.

The property sits within an unusual plot and does not benefit from any private amenity space to the rear of the property, with its garden space to the front of the property extending across towards 2 Bushey Lea. Land levels fall from the road towards the front elevation by some 200mm, creating a step down towards the front of the property. The garden of no. 2 Bushey Lea wraps around the proposal site. The front of the property has been enclosed by a 1.8 metre (approx.) wood panel fence with concrete posts. The solid timber fence enclosed the front area of the property to provide private amenity space for the occupants, who do not have a rear garden. A large section of this fence was fitted onto a sliding rail and acted as a large gate to the property in order for the occupants of the dwelling to be able to park vehicles to the front of the property. The mechanism and frame for this gate has been retained, however the frame has now been clad in cedar wood panels. A red brick wall which

appears to be original used to attach to the fence at the Western edge of the site, projecting from the front elevation of property, and is now a part of the brick wall surrounding the property. The fencing has been removed and replaced with a solid red brick wall of some 2 metres in height across the frontage of the site, connecting to a timber fence at the boundary with no. 2 Bushey Lea.

### **Description of Proposal:**

The fencing has been removed and replaced with a solid red brick wall of some 2 metres in height across the frontage of the site, connecting to a timber fence at the boundary with no. 2 Bushey Lea. This application originally sought the retention of this front wall. However through negotiation with planning and conservation officers the scheme has been revised significantly to reduce the height of the brick wall and replace the top section with iron railings which will maintain views to the front of the property and remove much of the wall's bulk, in order to make the proposal appear more appropriate to the character and appearance of the Ongar conservation area. The proposal will also see the reduction in height of the cedar clad gate, with the curved top section being removed.

### **Relevant History:**

EPF/1802/16 – Demolition of existing conservatory, garage and timber garden room, erection of a two storey side and single storey front extension. – Granted

EPF/2950/16 - Demolition of existing conservatory, garage and timber garden room, erection of a two storey side and single storey front extension (amended application to approved scheme to allow for change of materials to extension to feather edged boarding) - Granted

### **Policies Applied:**

#### *Adopted Local Plan*

CP2 – Protecting the quality of the rural and built environment  
DBE9 – Loss of amenity  
DBE10 – Residential extensions  
HC7 – Development within Conservation Areas

#### *NPPF:*

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

#### *Epping Forest District Local Plan (Submission Version) 2017:*

The Epping Forest District Local Plan (Submission Version) 2017 has been approved for publication and is the Plan the Council intend to submit for independent examination. The policies in the Plan are considered to be up to date and accord

with national policy and therefore should be given substantial weight in the consideration of planning applications, in accordance with the Council's decision on 14 December 2017 and paragraph 217 of the NPPF. The policies and the Plan are supported by up to date and robust evidence – the evidence should also be treated as a material consideration. The relevant policies in the context of the proposed development are:

DM 9 - High Quality Design  
DM 7 – Heritage Assets

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

Number of neighbours consulted: 14  
Site notice posted: 17/11/17  
Responses received: 4

2, 3, 10 and 11 FOXCROFT BUSHEY LEA, – OBJECTION –

Summarised as: Wall built on land outside of the property's ownership. Highway Safety and Emergency Access issues

ONGAR TOWN COUNCIL – OBJECTION – by reason of the contravention of original plans

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

The main issue to discuss is the impact of the development on the character and appearance of the Ongar Conservation Area. The 1.8 meter brick wall constructed as a replacement for the former close boarded timber fence was considered far too bulky and out of keeping with the open and green character and appearance of the boundary treatments found in Bushey Lea and was causing excessive harm to the character and appearance of the Ongar conservation area. Usually in such a location only a low wall would be acceptable. However, due to the existence of a 1.8 metre close boarded fence and associated gate for in excess of a decade and the need for privacy due to the fact that the space at the front is the only amenity space for the occupants of the property, officers proposed to the applicants to reduce the brick wall to 1.2 metres in height, finished with metal railings on top. This design provides an appropriate amount of private amenity space whilst acting as a potential enhancement to the appearance of the property as it will reduce the bulk and enclosure created by the former close boarded fence and the existing unauthorised brick wall

These changes have been proposed as in additional drawings called "Detail – Boundary Wall" and submitted on 13th March. With these changes the proposal would be considered to have a positive contribution to the character and appearance of the Ongar Conservation area as compared to the previous close boarded fence. Should planning permission be granted a condition can be added to ensure that the proposed changes are carried out. Failure to carry out the approved scheme will result in enforcement action being taken in connection with the existing unauthorised wall.

## Other Matters

The proposal is not visible from the habitable rooms of any neighbouring properties and does not have any significant impact on neighbouring amenity. Neighbouring properties have raised concerns about the ownership of the land on which parts of the extension have been built. Whilst the planning officer understands there are some legal issues with the erection of the wall, this is a civil matter to be settled by legal professionals and cannot be addressed as part of the planning application. Bushey Lea is a private road; residents are concerned that emergency vehicles could no longer fit down the road to access properties at the end of Bushey Lea. From historic imagery and several concurrent site visits it can be said there has been no material change in the width of the road, with the proposed wall not projecting past the original Victorian brick wall to the western edge of the site. The average width of a fire engine is some 2.5 metres in width, whilst Bushey Lea remains at approximately 3 metres wide along the side of 1 Bushey Lea, meaning that access for emergency will remain sufficient. As Bushey Lea is a private road any matters affecting the road are outside of the control of the highway and local authority and become a civil matter to be dealt with by legal professionals.

## **Conclusion:**

The revised proposal which reduces the height of the wall to 1.2m with railings above would enhance the character and appearance of the conservation area compared to the previous lawful close boarded fence. . Accordingly, the proposal complies with the guidance contained within the National Planning Policy Framework and with relevant Local Plan policies. It is recommended planning permission be granted.