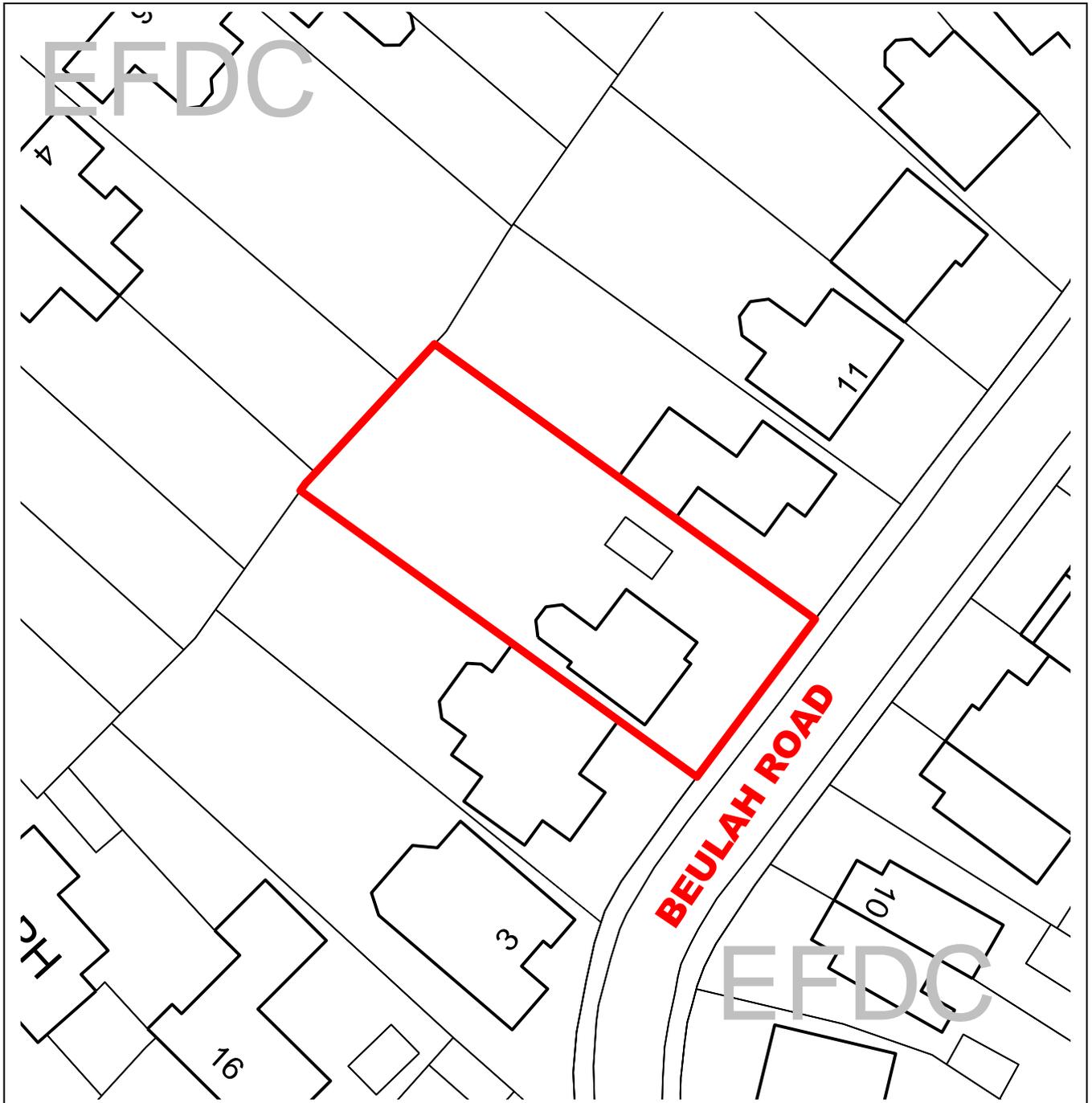




# Epping Forest District Council



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Application Number:	EPF/1235/19
Site Name:	7 Beulah Road Epping Essex CM16 6RH
Scale of Plot:	1:500

<b>APPLICATION No:</b>	EPF/1235/19
<b>SITE ADDRESS:</b>	7 Beulah Road Epping Essex CM16 6RH
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mr & Mrs Anthony Smith
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey and single storey side and rear extensions involving an increase in the height of the main roof, roof alterations, a rear dormer window and replacement and additional windows to the existing dwellinghouse to provide an annexe and additional living accommodation and an additional vehicle access.
<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/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=624018](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=624018)

## 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 and retained strictly in accordance with the approved drawings numbers: 01A; 02A; 03A; 04C; 05B; 06B; 07B
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.
- 6 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 7 Beulah Road.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (or any other order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A-C of Part 1, of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local

Planning Authority.

*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: Scheme of Delegation, Appendix 3) and they confirm that they will attend and speak.*

### **RECOMMENDATION**

That planning permission be **GRANTED**

### **SITE AND SURROUNDINGS**

No. 7 is a 2-storey, 3 -bed pitched roof detached dwellinghouse set in a large curtilage to the north of Beulah Road which is residential in character defined by predominantly detached and semidetached houses that vary in design, size and spacing with some benefiting from larger separation distances than others.

The dwellinghouse has an existing detached side garage with a rear conservatory and a 2 -storey side extension with one additional car space sited in front of the side garage.

The site is within an urban area which is outside of a conservation area and is not listed.

### **PROPOSED DEVELOPMENT**

The proposal seeks planning permission for the:

- Replacement of the detached side garage with a 2-storey side extension with hip roof set in 2m from the east boundary and set back 1m from the front main building line of the house to accommodate a ground floor annexe for a relative and additional living accommodation.
- Raising the height of the main roofs and the eaves by 0.7m involving roof alterations and a gable rear dormer window.
- Reconfiguring the form of windows to the front and rear elevations and a new second floor front window
- Single storey flat roof rear extension with parapets projecting to a depth of 5m at a height of 2.9m with parapets at a height of 3.15m built up to the west boundary and set in 2m from the east boundary.

### **RELEVANT PLANNING HISTORY**

EPF/0743/02 - Erection of a first-floor side extension – Approval- 20/05/2002

EPF/0320/02 - Erection of first floor extension - Approved

EPF/0202/00 - Erection of a conservatory - Approved

EPF/0633/93 - Renewal of Planning Permission - Approved 02/09/1993

EPF/1043/88 – Extensions and Alterations - Approved 08/08/1988

## **CONSULTATION AND REPRESENTATIONS**

9 adjoining neighbours were notified on the 29/05/2018 and 4 objections have been received.  
Site Notice: Not required.

Neighbours

### **6 Beulah Road, Epping**

- The proposal more than doubles the existing building ground plan at the site and with the addition of any patio, decking, outbuildings and new front driveway, all omitted from the plans, will constitute a major urbanising development out of scale and character with existing properties in the road. Perpetuate the terrace effect on the north side of the road further diminishing the unique open aspect
- The addition of a 2nd floor window in the roof space facing Beulah Road is intrusive and out of character with all other properties in the road. A more sympathetic approach would be to use hanging tiles on the gable end similar to other properties.
- Loss of the front garden to parking, omitted from the plan, which would be detrimental to the amenity value of the road and potentially increase flooding due to runoff.

### **9 Beulah Road**

Significant impact on the visual amenity and the density of building on the road as a result of the size of the proposed extension, as well as a loss of privacy for our property arising from the proposed side access.

Footprint which is twice the size of the existing house and garage, much wider and significantly taller than the current house, and much closer to the road. This will be a very large and dominant structure, which will affect the character of the road, and impact the visual amenity and density of building.

While the development has been reduced in size from the pre-planning application, it still reaches to 2 metres from our boundary, and includes a new side window and door overlooking our ground floor window. The conifer hedge along the boundary was taken down last year. As a result of the proposed development we would be losing sunlight on the side and rear of the house during the morning and early afternoon and in winter when the sun is lower in the sky. It will also impact the privacy of our ground floor. In order to reduce these impacts, and retain some of the current sense of space we request that the development extends no closer to the boundary than the existing garage wall on the plot of number 7.

### **14 Beulah Road -**

The proposed development will hugely increase the bulk of the building. The frontage will be nearly twice as wide as currently. Viewed from opposite this increase is excessive.

They object to raising the height of the roof. Other than Beulah Lodge, which of course is of a different age, there are no other three storey houses in Beulah Road and so it would be out of keeping. There may well be loft conversions but

no other houses have windows at third storey level. Again, it is an over-development of the property.

We would like to know how the Council propose to enforce the use of the side extension as an 'annex'. We understand from conversations with the elderly relative concerned that he has no intention of returning to the property so use of this as an annex at any time would seem to be very unlikely.

The mature hedge and large tree at the side of the property visible in the photographs would have had a softening effect and might have provided some degree of screening but sadly these were removed soon after the new owners moved in.

A small extension which keeps the existing character of the property would not be unreasonable but we feel the proposed development would be disproportionate in terms of the plot itself and the road generally.

#### Epping Society -

Vast increase in size has a negative impact on the street scene and overshadow the neighbour at no. 9. Loss of Trees and a mature hedge lost to the front and a side of the site.

If approved, the integral annexe should be conditioned as not to become a separate dwelling.

#### Statutory consultees

Drainage and Water Team - No objection in principle. Further details of the disposal of surface water is required prior to preliminary groundworks commencing.

#### Epping Town Council - OBJECTION

- Overdevelopment of the site in terms of its scale, bulk and density. There is a vast increase in the size of the existing property which would result in a detrimental effect on the street scene. No support for the felling of any trees. Any approval would require a condition in the annexe preventing it being used a separate unit of accommodation.
- The addition of a 2nd floor window in the roof space is intrusive and out of character with all other properties in the road. Loss of front garden to parking detrimental to the amenity value of the road and potentially increase in flooding.

#### **DEVELOPMENT PLAN**

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan currently comprises the saved policies of the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006) ("the Adopted Local Plan"). The following Adopted Local Plan policies are relevant to the determination of this application:

- CP1 Achieving Sustainable Development Objectives
- CP2 Protecting the Quality of the Rural and Built Environment
- CP3 New Development
- CP6 Achieving Sustainable Urban Development Patterns
- CP7 Urban Form and Quality
- U3B Sustainable Drainage Systems
- DBE1 Design of New Buildings
- DBE2 Effect on Neighbouring Properties
- DBE3 Design in Urban Areas
- DBE6 Car Parking in New Development
- DBE9 Loss of Amenity
- LL10 Adequacy of Provision for Landscape Retention
- LL11 Landscaping schemes
- ST4 Road Safety
- ST6 Vehicle Parking

The relevance of the identified saved Local Plan policies to the determination of this appeal and the weight to be accorded to each policy are addressed in further detail within Section 12 of this report.

### **NATIONAL PLANNING POLICY FRAMEWORK**

The current version of the National Planning Policy Framework ("the Framework" or "NPPF") was published in February 2019. It provides the framework for producing Local Plans for housing and other development, which in turn provide the policies against which applications for planning permission are decided.

Reflecting the proper approach identified in the previous section of this Report, the NPPF explains (at paragraph 2) that:

- "2. *Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.*"<sup>2</sup>

Paragraph 11 of the NPPF concerns the presumption in favour of sustainable development and states (so far as relevant):

*"Plans and decisions should apply a presumption in favour of sustainable development.*

For **decision-taking** this means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:*
  - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or*
  - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole."*

Paragraph 11 d) ii. is often referred to as the 'tilted balance'.

In summary, the effect of footnote 7 is that where a local planning authority is unable to demonstrate a five-year supply of deliverable housing sites in accordance with paragraph 73 of the NPPF, or where the Housing Delivery Test indicates that the delivery of housing was substantially below (that is less than 75% of) the housing requirement over the previous three years, "*the policies which are most important for determining the application*" are deemed to be "*out-of-date*", so that the presumption in favour of sustainable development applies and planning permission should be granted unless either sub-paragraph (i) or (ii) is satisfied.

For the purposes of sub-paragraph (i) of paragraph 11, footnote 6 lists the policies in Framework (rather than those in development plans) that protect areas or assets of particular importance including: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, or Local Green Space; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63 of the NPPF); and areas at risk of flooding.

The presumption in favour of sustainable development does not, however, change the statutory status of the development plan as the starting point for decision making. In accordance with paragraph 213 of the NPPF and subject to paragraph 11 d) and footnote 7 referred to above, policies in the development plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Rather, due weight should be given to such policies according to their degree of consistency with the NPPF; in other words the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given to them).

In addition to paragraph 11, the following policies in the NPPF are relevant to this application:

- Paragraph 105 - 106
- Paragraph 117
- Paragraph 124 - 133

## **EMERGING LOCAL PLAN**

On 14 December 2017, the Council resolved to approve the Epping Forest District Local Plan (2011-2033) – Submission Version ("LPSV") for submission to the Secretary of State and the Council also resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

The Council submitted the LPSV for independent examination on 21 September 2018. The Inspector appointed to examine the LPSV ("the Local Plan Inspector") held examination hearings between 12 February and 11 June 2019. As part of the examination process, the Council has asked the Local Plan inspector to recommend modifications of the LPSV to enable its adoption.

During the examination hearings, a number of proposed Main Modifications of the LPSV were 'agreed' with the Inspector on the basis that they would be subject to public consultation in due course. Following completion of the hearings, in a letter dated 2nd August 2019, the Inspector provided the Council with advice on the soundness and legal compliance of the LPSV ("the Inspector's Advice"). In that letter, the Inspector concluded that, at this stage, further Main Modifications (MMs) of the emerging Local Plan are required to enable its adoption and that, in some cases, additional work will need to be done by the Council to establish the precise form of the MMs.

Although the LPSV does not yet form part of the statutory development plan, when determining planning applications, the Council must have regard to the LPSV as material to the application under consideration. In accordance with paragraph 48 of the Framework, the LPAs "*may give weight to relevant policies in emerging plans according to:*

- a) *The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- b) *The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) *The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).<sup>22</sup>*

Footnote 22 to paragraph 48 of the NPPF explains that where an emerging Local Plan is being examined under the transitional arrangements (set out in paragraph 214), as is the case for the LPSV, consistency should be tested against the previous version of the Framework published in March 2012.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following table lists the LPSV policies relevant to the determination of this application and officers' recommendation regarding the weight to be accorded to each policy.

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant

DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant
DM11 Waste Recycling Facilities on New Development	Significant
DM15 Managing and Reducing Flood Risk	Significant
DM16 Sustainable Drainage Systems	Significant
DM18 On Site Management of Waste Water and Water Supply	Significant
T1 Sustainable Transport Choices	Significant

## **PLANNING CONSIDERATIONS**

The main issues for consideration in this case are:

- The impact of the development on the character and appearance of the locality;
- The impact to the living conditions of neighbours;
- Parking/Highway
- Drainage

### **Design and Visual Amenity:**

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Chapter 12 of the NPPF attaches great importance to the design of the built environment. 'Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'.

Paragraph 130 requires that decisions should ensure that development will add to the overall quality of the area as well as respond to the local character, history and reflect the identity of local surroundings.

Epping Forest Local Plan Policies seeks to ensure a high quality of design and that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These objectives are broadly consistent with the core principles of the NPPF that planning should seek to secure high quality design. Policy DBE1 of the Local Plan requires that new buildings will: -

- Respect their setting in terms of scale, proportion, siting, massing, height, orientation, roof-line and detailing
- Are of a size and position such that they adopt a significance in the streetscene which is appropriate to their use or function; and
- Only employ external materials which are sympathetic in colour and texture to the vernacular range of materials.

The properties in Beulah Road vary in scale and design with both adjoining properties and other properties in Beulah Road being quite substantial in size many of which have been extended. In this instance, the proposed alterations to the main dwellinghouse and proposed extensions are considered of an appropriate design, roof form and height that would be more in keeping with the surrounding properties. The side extension is to be set in 2m from the east boundary, with a roof set down from the main roof and recessed by 1m from the front main building line of the property and considered of a scale that is proportionate in width and subordinate in form and which would respect the spatial character and the pattern of development in Beulah Road. The increase in the height of the original roof is not significant in relation to the streetscape and the rear dormer window is of a scale and form which is not considered intrusive and would enable the roof space to be made habitable.

The proposed single storey rear extension at a depth of 5m, a maximum height of 3m, built up to the west boundary and set in 2m from the east boundary is considered of a scale and form which is in keeping with the character of the property and the surrounding area.

Overall the development in terms of its scale and detailing draws references from the design features of properties in Beulah Road and the surrounding area and is considered in keeping with the character and appearance of the area complying with policy DBE1 and DBE3 of the Local Plan and Alterations, (1998-2006) and policy DM9 and DM10 of the Submission Version, 2017 and the National Planning Policy Framework, 2019 that seeks to ensure that development is of a high standard of design and layout.

#### Impact on Neighbouring Amenity:

The proposed side extension is to be set in 2m from the shared boundary with No. 9 which has a side garage and rear additions with the main west elevation of the dwellinghouse set in 2.9m from the shared boundary with the application site. The adjoining semi-detached dwellinghouse of no. 5 has a 2 -storey rear extension built up to the shared boundary with no. 7, which extends to a depth of over 5m from the rear main building line of No. 7. As such, the siting, separation distance and form of the development is not considered to result in any significant harmful amenity implications in terms of loss of light, outlook, overlooking or privacy to the adjoining properties. There is a proposed main habitable ground floor window to the east elevation, and No. 9 also has habitable main windows. Whilst there is no longer a substantial hedge along this boundary these windows are at ground floor level and appropriate fencing could be erected to protect against a loss of privacy.

For the reasons outlined above, it is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level and accords with the requirements of policy DBE9 of the Local Plan.

The objections and comments from the Parish Council and neighbours in the surrounding area are noted. The extension is considered of a scale and form that would assimilate into the spatial pattern of the road and its design and spacing would be more in keeping with the character of Beulah Road that comprises of large dwellings that have been substantially extended. Appropriate conditions will be attached at approval to ensure that the annexe remains ancillary to the main dwellinghouse. In order to prevent the dwelling from being extended further to the detriment of the area or adjoining dwellings it would be reasonable to impose a condition on any planning permission removing permitted developments rights so that an assessment can be made on any further or future additions to the properties. None of the trees within the site are protected by Tree Preservation Orders and the site is not within a conservation area and as such there is nothing to prevent the applicant removing the hedgerow or trees from the property. Most of the properties in Beulah Road use the frontage for the accommodation of cars and the parking requirement meets the councils Local Plan standards.

#### Parking and Highway Considerations

The proposed extension would result in the loss of a garage space and an increase in the number of bedrooms from 3 to 5. The property is sited in a relatively sustainable location and two/three car spaces can be accommodated in the front forecourt of the property utilising the existing vehicle access onto Beulah Road with the creation of an additional access which meets the minimum standards required by the Essex Parking Standards and policies ST4 and ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017.

#### Land Drainage

The Council's Land Drainage engineer requests details of surface water drainage to be submitted for consideration in accordance with policy U2B of the Local Plan which are considered reasonable and necessary.

Planning Balance & Conclusion

It is considered that the development would not result in any appreciable harm to the local context and spatial pattern of development. The extensions and alterations are considered of an appropriate design and scale that is in keeping with the character and appearance of the dwellinghouse and would sufficiently maintain the established spatial pattern of development of Beulah Road and would not result in any amenity implications on neighbouring dwellings; other aspects in relation to parking/highway safety and landscaping are considered satisfactory. The application is considered to be in accordance with the adopted Local Plan and Alterations (1998-2006) and the emerging Local Plan, Submission Version, 2017 and with the relevant parts of the National Planning Policy Framework. In the light of the above considerations it is recommended that planning permission is approved subject to conditions.

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

***Planning Application Case Officer: Caroline Brown***

***Direct Line Telephone Number: 01992 564182 or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***