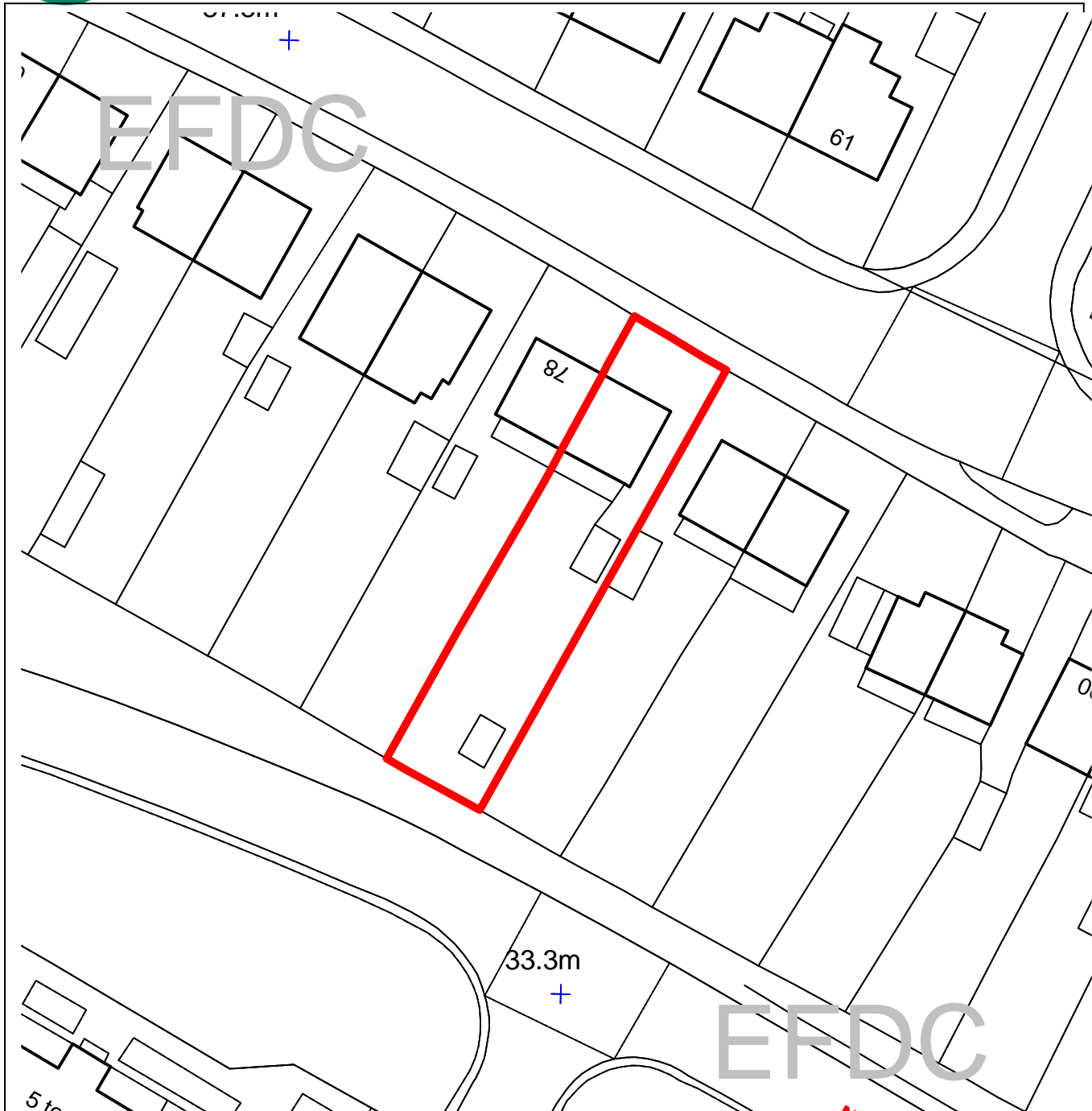




Epping Forest District Council



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Application Number:	EPF/0135/20
Site Name:	80 Upshire Road Waltham Abbey EN9 3PA
Scale of Plot:	1:500

Report Item No: 11

APPLICATION No:	EPF/0135/20
SITE ADDRESS:	80 Upshire Road Waltham Abbey EN9 3PA
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Paternoster
APPLICANT:	Miss Sharnie Gaffney-Smith
DESCRIPTION OF PROPOSAL:	Retention of the outbuilding
RECOMMENDED DECISION:	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=632596

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:

Location Plan, Existing Front and Rear Elevation, Existing ground floor plan (1), Existing Side Elevation (3) and Existing Side Elevation (4).
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building and according to the application form, unless otherwise agreed in writing by the Local Planning Authority.
- 4 The proposed development shall only be used as ancillary use for the existing dwellinghouse and shall not be occupied as a unit separately from the dwelling known as no. 80 Upshire Road.

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site:

The application site is a two storey semi detached dwelling on the south western side of Upshire Road. The application site has a detached outbuilding sited at the rear garden which is approximately 13 metres set back from the front elevation of the subject dwelling. The application

site is not located in a Conservation Area nor it is in the Metropolitan Green Belt and is not a Listed Building. The application site has a slight downward slope from north to south.

Description of Proposal:

This proposal seeks permission for the retention of the outbuilding.

Relevant Planning History:

EPF/2206/03 - Demolition of existing garage and replacement with new garage and garden room. Grant Permission (With Conditions)

CLD/EPF/0033/99 - Certificate of lawful development application for use of property as two self contained flats. Lawful

EPF/1158/88 - Extension and addition of dormers. Grant Permission (With Conditions)

Policies Applied:

Local Plan (1998) and Alterations (2006)

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

The following policies within the current Development Plan are considered to be of relevance to this application:

CP2	Protecting the quality of the rural and built environment
DBE9	Loss of amenity
DBE10	Design of Residential Extensions

National Planning Policy Framework (NPPF) (February 2019)

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; 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

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following sections of the NPPF are considered to be of relevance to this application:

Section 12.

Epping Forest District Local Plan Submission Version (LPSV) (2017)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14th December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- 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
- 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).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

Policy	Weight afforded
SP1 - Presumption in Favour of Sustainable Development	Significant
DM9 - High Quality Design	Significant
DM10 - Housing Design and Quality	Significant

Consultations Carried Out and Summary of Representations Received:

Number of neighbours consulted: 3

1 objection has been received from the neighbouring property no. 82 on the south east elevation of the subject dwelling. Their comments are summarised below:

- The application states 're-build of existing garage', which is not accurate. The building has never been used as a garage.
- This building is used as an outbuilding and has flowing water to it from the main dwelling.
- The planning application ref: EPF/2206/03 for the 'demolition of existing garage and replacement with new garage and garden room' was granted permission. If this outbuilding, along with the proposal to build a side extension should go ahead, the boundary between

80/80a Upshire Road and 82 Upshire Road will see over 26 metres of development along the boundary. The previous application allowed for 1 metre of space between the boundary for the garden room.

- The current outbuilding is built over the boundary, past the fence between 80/80a Upshire Road and 82 Upshire Road and onto the property of 82 Upshire Road.
- The outbuilding forces the water into the garden of 82 Upshire Road.
- The material used for the existing outbuilding do not match the original application.
- The outbuilding was illegally fixed with a guttering to the garage of no. 82, so the garage of the no. 82 was flooded as a result.
- The proximity to the garage at 82 Upshire Road has and will continue to cause problems if the wall of the outbuilding is not moved to within its own boundary of 80/80a Upshire Road.

WALTHAM ABBEY TOWN COUNCIL: OBJECT to the proposed development. Their comments are summarised below:

- The building extends over the neighbouring property no. 82.
- The building cannot be used as a garage due to the constraints of the site.
- If the LPA is minded to approve this application a condition should be set out that the garage is not converted into a habitable space.

Planning Considerations:

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the locality
- b) The impact on the living conditions of neighbouring amenities

Character and appearance

As outlined above permission ref: EPF/2206/03 was granted for the demolition of existing garage and replacement with new garage and garden room. The overall depth of the garage and the garden room was 10.4 metres with a maximum width of 4.5 metres and a maximum height of 2.3 metres. The rear part of the structure (the garden room) was 1.0 metre set in from the shared boundary.

The retention of this outbuilding will result in a maximum depth of 7.6, a width of 3.7 metres and a height 2.5 metres and will be located on the same side as the existing structure.

Taking into account the previous approved extension and the proposed development's siting and size, it is considered that the demolition and rebuilding of this structure will not have a detrimental impact on the character and appearance of the subject dwelling or the neighbouring properties and complies with Policy DBE10 of Epping Forest District Local Plan (1998) and Alterations (2006) and Policy DM9 of Epping Forest District Local Plan Submission Version 2017.

Living conditions of neighbours:

As outlined above the neighbouring property no. 82 on the south elevation have raised concerns for the above reasons. In response to their comments the description of the proposal has now been changed to the retention of the outbuilding.

With regards to no. 82's objection with regards to the fixing of the gully and the water flow it must be noted that these are not planning matters and fall under civil jurisdiction.

The concerns raised by no. 82 with regards to the boundary disputes are acknowledged, it is however noted that the applicant is aware of this and has provided information which suggest that the outbuilding does not overhang the boundary and is willing to resolve the issue by taking appropriate steps. Again it must be noted that the boundary issue is not a planning matter and falls under the civil jurisdiction.

Any other issues that are raised by the no. 82 are not relevant to the merits of this application.

Taking into account the above points and the siting of no. 82's garage on the same shared boundary, it is considered that the retention of the outbuilding will not result in material adverse impact in terms of overshadowing, overbearing, loss of privacy or loss of light to no. 81 and complies with Policy DBE9 of Epping Forest District Local Plan (1998) and Alterations (2006) and Policy DM9 of Epping Forest District Local Plan Submission Version 2017.

Other matters:

The comments from Waltham Abbey Town Council are acknowledged, however the points with regards to the boundary raised have been dealt with above and the description of the garage has been amended by the applicant for the retention of the outbuilding. However a condition is attached to the decision notice which permits the use of the outbuilding as ancillary to the main dwelling.

Conclusions:

For the reasons outlined above, it is recommended that planning permission is granted for this proposal subject to conditions attached within the decision notice.

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: Honey Kojouri

Direct Line Telephone Number: 01992 56 4124

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