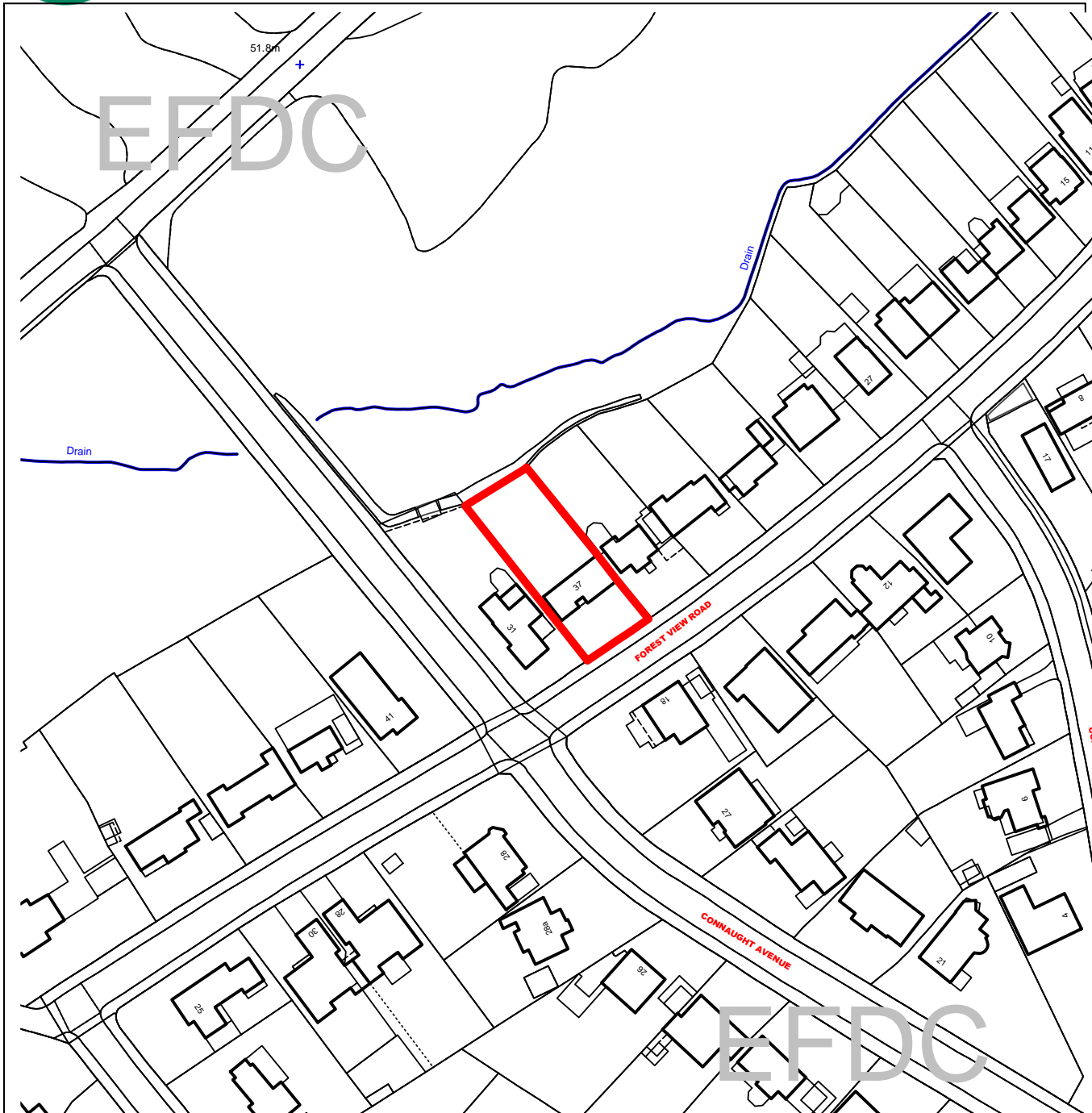




# Epping Forest District Council



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Application Number:	EPF/1376/20
Site Name:	37 Forest View Road Loughton IG10 4DX
Scale of Plot:	1:1250

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/1376/20
<b>SITE ADDRESS:</b>	37 Forest View Road Loughton IG10 4DX
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Forest
<b>APPLICANT:</b>	KMDS Designs
<b>DESCRIPTION OF PROPOSAL:</b>	Part single storey part two storey rear extension and loft conversion.
<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=638655](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=638655)

**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: PL-5865\_01A, PL-5865\_02A, PL-5865\_03, PL-5865\_04, PL-5865\_05B, PL-5865\_06A, PL-5865\_07C, PL-5865\_08B, PL-5865\_09, OS 2043-20.1
- 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 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.
- 5 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.
- 6 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

- 7 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 8 Tree protection shall be implemented prior to the commencement of development activities (including demolition), and the methodology for development (including supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports unless the Local Planning Authority gives its prior written approval to any alterations. Tree protection shall be installed as shown on Open Spaces drawing number OS 2043-20.1 (Tree protection plan) dated 5th August 2020.

*This application is before this Committee since it is for a type of development that cannot be determined by Officers as the majority of those consulted objected on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).*

### **Additional Information**

This application was deferred from Area Planning Sub-Committee South on 23 September 2020 *“for more information on whether a 2003 permission is still “live” and for better quality plans”*.

The below report has been updated and amended in light of the previous discussion (highlighted in bold). It also includes a summary of the objection received from the Loughton Residents Association Plans Group.

#### *Status of EPF/0579/20*

Whilst detailed below within the body of the report, it is confirmed that the first-floor side extension approved as part of EPF/0579/20 were carried out within the five year time frame conditioned in this decision, however the works to the rear have not been undertaken to date. A legal opinion was sought and confirmed that the development implemented on the site constitutes a commencement of works and therefore the 2003 application remains live and works could continue on the remainder of the proposal, which includes a double storey rear extension.

## **Site and Surroundings**

The site comprises of a part two-storey detached dwelling house, located on the North side of Forest View Road within the built-up area of Loughton. It is not within a conservation area nor is it a listed building.

The application site is located on a sloping road downwards from West to East, as such it sits on slightly lower ground than 31 Connaught Avenue and slightly higher than no.35 Forest View Road, the gardens on Forest View Road fall to the rear. The properties on this part of Forest View Road are large detached dwelling house recessed from the road, there is no uniform style, many have benefited from large alterations. To the rear of the property lies forest land.

## **Proposal**

The proposal is a part single storey part two storey rear extension and loft conversion.

The proposal seeks to extend to the rear of the property to a depth of 5m at both ground and first floor level from the West flank to a width of 10.4m. A single storey extension with a depth of 4.1m is proposed to infill the gap between the two storey extensions flush with the East flank. The rear extension will facilitate a loft conversion, the ridge height of part of the roof will be raised by 0.5m. The roof will be completely replaced with a new crown roof and the larger front facing dormer windows will be removed to give the front elevation an appearance more akin to that of a two-storey dwelling house rather than a chalet bungalow. Six rooflights are also proposed. A stepped elevated patio area is proposed for the rear of the property which will be 3.3m in depth at its deepest. This will be stepped in from the boundary.

## **Relevant Planning History**

EPF/0579/03 - Demolition of existing garage, part two storey/part single storey rear extension and two storey side extension - GRANTED

## **Development Plan Context**

*Local Plan and Alterations (LP) (1998 & 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 (Framework) (2019)*

The Framework 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 paragraphs of the NPPF are considered to be of relevance to this application:

Paragraphs 124 & 127

*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 14<sup>th</sup> 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 2<sup>nd</sup> 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.

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

## **Summary of Representations**

Number of neighbours consulted: Four neighbours consulted; three representations received.  
Site notice posted: Not required

31 Connaught Avenue – Objection, summarised as;

- Loss of privacy and overlooking
- Overshadowing and loss of morning light/sunshine for the rear conservatory and garden areas
- Dominating and overbearing

35 Forest View Road – Objection, summarised as;

- Proposed depth of terrace area will have a detrimental impact on privacy due to the differing land levels.
- Single storey rear extension gross overdevelopment and out of character with wider area.
- Roof lights in East elevation causing loss of privacy as well as the raising of the roof

16 Forest View Road – Objection, summarised as; fully supports the contents of no.35 Forest View Roads objection, as well as raising concerns in regard to the water course running through the bottom of the rear garden of the application site and the adjoining neighbours and its implications on the foundations of any development on the site.

Please note that each of the above objectors also raised concerns regarding the quality of the plans and inaccuracies contained within them, revised plans have been submitted and they are now of satisfactory quality.

**Loughton Residents Association Plans Group – Objection, summarised as;**

- **Increased sense of the enclosure to the conservatory of no.35 Forest View Road**
- **Flat roof of single storey rear extension could be used as a terrace. A condition has been added to prevent this**
- **The proposal breaches the rear building line along this part of Forest View Road and relies on no. 31 Connaught Road to justify this which would set a dangerous precedent for change the character of Forest View Road**
- **Significant loss of light for the ground floor flank windows and some partial loss of light for the lower conservatory and bedroom windows of no.31**
- **Loss of privacy by reason of the application bringing the windows forward and therefore giving views into the garden area of no.31.**
- **Overdevelopment**

Loughton Town Council – No Objection

Landscape and Tree Officer – No objection subject to conditions

Land drainage – No objection subject to conditions

## **Planning Considerations**

The main issues for consideration in this case are:

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

## Status of EPF/0579/20

The site was subject of an approved application under EPF/0579/03 for a part two storey, part single storey rear extension and two storey side extension. The two-storey rear extension was proposed to be 5.7m in depth along the boundary of 31 Connaught Avenue with a width of 7m, this is deeper than what is proposed under this application. A 4m deep, 3m wide single storey rear extension is proposed on the eastern side of the rear of the property. Unlike this application, no works were proposed in the area behind the garage, along the boundary of no.35 Forest View Road nor was there any proposed raising of the ridge height of the roof.

Works to the first-floor side extension were carried out, however the works to the rear have not been to date. A legal opinion was sought regarding this matter and it was confirmed that part of the proposal (the side extension) was implemented within the five year time frame and therefore this permission was commenced in accordance with the relevant conditions. Planning Officers are therefore satisfied that the 2003 application remains live and works could continue to implement the remainder of the proposal, which includes the 5.7m depth double storey rear extension.

### *Character and appearance*

The raising of the ridge height by 0.5m to facilitate a loft conversion is considered acceptable given the variation in styles and degrees of separation between the properties in this area. The adjacent property No.31 Connaught Road sits on higher ground than the application site, the raising of the roof will bring it largely in line with this property. Although no.31 sits on a different street to the application site it occupies a corner plot and retains a prominent elevation on Forest View Road and as such it forms part of the Forest View Road streetscene.

Whilst the application site sits on slightly higher ground than no.35 Forest View Road there is a step down in the existing roof ridge towards no.35. The roof on this part of the dwelling house is not set to be increased in height. As such, raising the roof ridge will not appear as unduly dominating or incongruous within the street scene. The front elevation is proposed to be amended and the removal of a large hipped roof dormer will give the property an appearance more akin to a two-storey dwelling house rather than a chalet bungalow. Overall the alterations viewable from the streetscene to the front elevation are considered to aesthetically enhance the property and will not appear as out of character for the wider area.

Forest View Road has a consistent rear building line with some rear extensions at ground floor level. No.35 has a conservatory which goes beyond the rear building line of that of the application site. No. 31 Connaught Road occupies a corner plot and backs on to the application site. Although this property sits on a different street it appears as to extend beyond the rear building line of the host site. The proposal will not extend beyond the north facing side elevation of No.31 nor will it extend beyond the rear conservatory of no.35.

It is not considered that granting this application will set an unwanted precedent for similar applications further along Forest View Road given the relationship the host site has with the adjacent property on Connaught Avenue it is not unreasonable to use this as justification for allowing such a development on this site. Regardless, there is a live application which includes a deeper double storey rear extension than what is proposed here and as such it is considered this application is an improvement in terms of its design and relationship with no.31.

A single storey rear extension is proposed from the side wall of the proposed two storey extension to the east elevation, this will measure 2.4m in width and 4m in depth. This will not extend beyond the existing rear conservatory at no.35 and will have a flat roof. The single storey rear extension will not be viewable from the streetscene and is not considered to be out of character for the area.

Regardless, there is a far more prominent flat roof side extension viewable from the streetscene at no. 33 Forest View Road.

The application site is not prominent within the streetscene and forest land is set to the rear, as such the crown roof would convincingly appear as a hipped roof within the streetscene and would not appear as detrimental to it. No.45 Forest View Road has undergone similar works to the roof. Given the above the alterations to the rear do not amount to overly dominant, excessively large or incongruous additions.

The application site does not compromise the Green Belt or the forest land to the rear. Overall, the proposal complements and enhances the existing building as well as the character and appearance of the wider area.

Therefore, this fully complies with policies CP2, DBE9 and DBE10 from the *Local Plan and Alterations (LP) (1998 & 2006)*, policies DM9 and DM10 from the *Epping Forest District Local Plan Submission Version (LPSV) (2017)* and the NPPF.

#### *Living conditions of neighbours*

##### *Impact on the living conditions of no.31 Connaught Road*

The occupants of this property have raised a number of concerns in regard to loss of privacy and light. The front elevation of no.31 is orientated to the west on Connaught Road and the rear of the property backs on to the host site and sits on slightly higher land. Although the proposal extends 5m from the original dwelling house at two storeys bringing the rear windows forwards it will not extend beyond the north flank elevation of no.31. Whilst there will be some increase in overlooking the situation will not be unlike what can be expected between adjacent properties where the conservatory and rear garden areas of no.31 will only be viewable at oblique views. The live 2003 application is proposed to have a deeper double storey rear extension along the boundary of no.31, as such this proposal is more palatable in terms of the privacy of the occupants of this property.

The boundary between the properties is lined with thick and high vegetation in the form of a hedge, the proposed elevated patio area will not cause overlooking. It is not considered that there will be significant overlooking derived from this development or any significant loss of privacy.

Given the height and depth of the proposal and its proximity to the boundary of no.31 there will be some loss of light and morning sunlight derived from the proposal however no.31 sits on higher ground than the host site and the proposal does not breach the 45 degree rule when measured from the first floor north facing window of no.31. The light obtained by the flank ground floor windows facing the application site is already compromised given they are facing the side wall of the host site. It is not considered that the proposal will cause any more significant loss of light for these windows.

**Unlike the 2003 application this proposal does propose the raising of the ridge height by 0.5m which will have some implications on the light received by the flank first floor window facing the host site. However, given the moderate increase in ridge height and that the window effected already has minimal light and does not serve a habitable room it is not considered that the loss of light is such that it would not warrant a refusal on these grounds**

**As previously stated, the live application from 2003 allows for the implementation of a deeper double storey rear extension along the boundary of no.31 and as such would have a greater impact on the amenity of the occupants of this property and as such this proposal**



**cannot reasonably be refused on its impact on the living condition of no.31 Connaught Avenue.**

*Impact on the living conditions of no. 35 Forest View Road*

The host site sits on slightly higher land than no. 35 Forest View Road with both rear gardens falling significantly to the rear. The rear extensions will not extend beyond the rear building line of the conservatory at no.35 that lies adjacent to the boundary of the host site. The single storey rear extension will abut the boundary however by reason of its, depth, height and siting it is not considered that this element will have a significant impact on the living conditions of no. 35. The 5m double storey rear extension will have some impact on the light received by the occupants of this property but given the separation distance of 3.2m from this element of the proposal and the boundary this is not considered to be excessive enough to warrant a refusal on grounds of loss of light. The setting in of the two-storey element of the rear extension does much to lessen the sense of the enclosure and overbearingness of the proposal. The area of the roof closest to no.35 is not set to be increased in height and therefore no loss of neighbour amenity will be derived from that element of the proposal.

The occupants of no.35 have raised concerns in regard to the depth and height of the proposed terrace area. Revised plans have been submitted and the terrace area will now be staggered inwards and away from the boundary of no.35 Forest View Road thus reducing potential overlooking. It should be noted that the more intimate gardens area of no.35 Forest View Road lie the other side of the conservatory and therefore are now easily viewable from the host site. The rooflights do not give rise to any loss of privacy concerns. Given the staggered nature of the terrace area and the layout of both rear gardens it is considered that there not be a significant loss of privacy for the occupants of no.35 Forest View Road derived from this proposal. The proposal does not give rise to any other neighbour amenity concerns.

Therefore, this fully complies with policies DBE2, DBE9 and DBE10 from the *Local Plan and Alterations (LP) (1998 & 2006)*, policies DM9 and DM10 from the *Epping Forest District Local Plan Submission Version (LPSV) (2017 and the NPPF)*.

*Other matters*

Both the drainage and trees and landscaping officers have no objection to the proposal subject to conditions.

**Conclusion**

For the reasons set out above, it is recommended that planning permission be GRANTED.

***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: Brendan Meade  
Direct Line Telephone Number: 01992 564078***

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