

## **Delegated Report**

34, Broad Oaks, High Road, Chigwell, IG7 6DW  
EPF/0548/24

### **Site and Surroundings**

The application site is a 6.5-hectare private estate comprising detached dwelling (previously approved EPF/2719/21), outbuildings, private leisure facilities as well as open land and woodland. Multiple trees on site are protected by Tree Preservation Orders. The land spans from High Road Chigwell to Abridge Road and Pudding Lane. It is not in a Conservation Area. It is not a Listed Building. It does lie wholly within the boundaries of Metropolitan Green Belt.

### **Proposal**

Variation of condition 1 'Plan nos' on planning permission EPF/2719/21 (Demolition of an existing house, pool house and garage with other outbuildings, and erection of a replacement 14 bedroom two storey dwelling and garages).

### **Relevant Planning History**

EPF/1865/23 - Variation of condition 1 'plan numbers' of EPF/2719/21 (Demolition of an existing house, pool house and garage with other outbuildings, and erection of a replacement 14 bedroom two storey dwelling and garages). 20/12/23. Refuse.

PRE/0063/23 – Post application advice following refusal of EPF/2229/22, and to form basis of a new section 73 application on consent scheme EPF/2719/21 - addition of two attached ground floor pavilions to house under construction (as consented) including additional basement area. 03/05/23. Advice Given

EPF/2229/22 - New two storey dwelling with attic storey and double basement accommodation, as an enlargement of the implemented scheme EPF/2719/21. 31/01/23. Refuse.

EPF/1165/21 - Application for variation of condition 2 'Plan numbers' for EPF/1107/20. (Proposed demolition of an existing house, pool house & garage with other outbuildings & erection of a replacement 15 bedroom two storey dwelling & garages). 08/09/21. Approve with conditions.

EPF/2719/21 - Demolition of an existing house, pool house and garage with other outbuildings, and erection of a replacement 14 bedroom two storey dwelling and garages. 03/12/21. Approve with Conditions.

### **Planning History Summary**

Original consent for new dwelling was granted through application EPF/2719/21. Plans varied through EPF/1165/21 to include a sub-basement and basement – approved with conditions. New planning application for double basement extension and attic storey EPF/2229/22 refused due to the scale and proportions of development and harm to trees. Pre-application advice sought for post refusal of EPF/2229/22 – advice given was that the proposal was unlikely to achieve officer support for substantial enlargements due to impact on Green Belt. Application EPF/1865/23 for basement extensions and pavilions refused due to harm to Green Belt and impact on trees. Current application seeks variation of original planning application EPF/2719/21 for double storey basement enlargement only.

### **Development Plan Context**

### *Epping Forest Local Plan 2011-2033 (2023)*

On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption. The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council.

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

SP1	Spatial Development Strategy 2011-2033
H1	Housing Mix and Accommodation Types
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM4	Green Belt
DM5	Green and Blue Infrastructure
DM9	High Quality Design
DM10	Housing Design and Quality
DM12	Subterranean, Basement Development and Lightwells
DM15	Managing and Reducing Flood Risk
DM16	Sustainable Drainage Systems
DM17	Protecting and Enhancing Watercourses and Flood Defences
DM18	On Site Management of Wastewater and Water Supply
DM19	Sustainable Water Use
DM21	Local Environmental Impacts, Pollution and Land Contamination

### *National Planning Policy Framework 2021 (Framework)*

The Framework is a material consideration in determining planning applications. The following paragraphs are considered to be of relevance to this application:

Paragraphs 135 and 180

### **Summary of Representations**

Number of neighbours Consulted: 6. 0 response(s) received.  
Site notice posted: Not required.

CHIGWELL PARISH COUNCIL – *'The Council **OBJECTS** to applications which may result in inappropriate development in Green Belt whether with or without special circumstances. The Council, therefore, **OBJECTS** to this application. If, however, all relevant Officers deem this application acceptable, whether with amendments or not, then the council is willing to waive this objection The Council further **OBJECTS** to the application on the following grounds: The proposal is contrary to Local Plan policy DM12 B (i) which requires that basement development should not consist on more than one storey The proposal is contrary to Local Plan policy DM12 G that requires that within the Green Belt basement developments may be considered acceptable provided they do not result in disproportionate additions over and above the size of the original building. Whilst understanding the permission for a two story basement was previously granted, the Parish consider any further expansion of that permission, including expansion of the second storey is a disproportionate addition to the original building Due to the extensive incursion and volume already granted, the Parish ask that if permission is given, permitted development rights are removed from the entire site.'*

## 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 to the living conditions of neighbours
- c) The impact on trees and landscaping; and
- d) Subterranean basements and basements
- e) Green Belt

### *Character & Appearance*

Consent is sought for a double storey basement extension to the northeastern corner of the approved dwelling EPF/2719/21. Current space exists following the collapse and removal of a TPO tree during a storm. The proposed basement extensions dimensions are:

Sub-basement 221.16m<sup>2</sup>  
Basement 190.94  
Total 412.10m<sup>2</sup> floorspace

Approval exists under application EPF/1165/21 for a substantial sub-basement (B2) and basement (B1). Intended use for sub-basement is not specified and the upper basement is intended for staff accommodation. Whilst the development is underground and not visible to the rear/side elevations (assumption as no elevational drawings have been provided), it results in negligible visual harm to the external appearance. However, the scale of the additional floorspace is the equivalent of adding the size of two typical, detached dwellings to the existing development. The culminative size and scale of the proposal does not result in subordinate additions to the main dwelling. However, on balance, the squaring of the northeast basement corners aligned to the existing basements does not significantly impact the character and appearance of the setting.

### *Living Conditions*

The proposal is unlikely to result in harm to neighbour amenity in terms of outlook, overlooking, loss of light/privacy or visual impact. Noise resulting from development is limited to during construction.

### *Trees and Landscaping*

EFDC Trees and Landscaping are satisfied with the mitigations against harm to trees (subject to conditions) and raise no objection in principle.

### *Subterranean Basement Development*

Current planning policy DM12 B(i) requires basements to be no more than single storey and to remain subordinate in size and scale to the main dwelling. The council requires a single storey basement to be three or four metres in height and will not approve habitable space in basements that does not offer sufficient means of escape from flooding.

The proposal is for both subterranean basement and basement extensions. Floor height dimensions have not been provided. B1 level is intended for staff accommodation however there are no natural lights sources or sufficient means of escape. Plan no: TAE-3004 Rev A shows two roof lights however, given the scale of the extension, this is an inadequate means of light and outlook as habitable space.

Further, the planning statement refers to the loss of a tree in the same location due to it being '*located at the head of the embankment towards the lake. This made it vulnerable during storm Eunice and explains why it blew over.*' The proposal does not provide sufficient

information to ascertain whether ground conditions in this sensitive area would be suitable for additional basement space. Notwithstanding, the squaring of the basements is not considered to result in subordinate additions to the main dwelling.

Whilst the principle of development has been established through previous basement consent, the proposal is contrary to current policy as set out in DM12 of the adopted Local Plan 2011-2033 and there is no public interest in approving against this policy.

### *Green Belt*

All proposals affecting Green Belt are considered inappropriate unless they meet one of the prescribed exceptions to development in the Framework. The proposal is considered under paragraph 154 (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

The proposal is a resubmission following the refusal of a larger scheme ref EPF/1865/23. Previous scheme offered the demolition of outbuildings to compensate for additional volume created from both the proposed pavilions and the basements. However, a shortfall in the total volume of demolished outbuildings did not adequately compensate for the overall volume proposed resulting in harm to the openness of Green Belt. Whilst this application is reduced to offer only proposed basements, there is no justification for the resulting volume and no form of mitigation. As such, the proposal does not meet exception (c) and is considered inappropriate development on Green Belt.

The accompanying planning statement reference to having overcoming previous Green Belt reasons for refusal: *'there is no impact on Green Belt as the works above ground have been omitted.'* However, as guided by policy DM12 (G), basement development within Green Belt is assessed on whether they impact openness either themselves or cumulatively with other developments. As outlined, above, proposed development without compensation for the additional volume created, significantly affects openness to Green Belt.

No very special circumstances have been put forward therefore, the proposal constitutes inappropriate development on Green Belt.

### **Conclusion**

For the reasons set out above, having regard to the matters raised, it is recommended that planning permission be refused.