

**Delegated Report**  
59 Lechmere Avenue, Chigwell, IG7 5HA  
EPF/2280/24

## **Site and Surroundings**

The site comprises a two-storey detached dwellinghouse located within a built-up area of Chigwell. It is sited on a prominent corner position on the east side of the road. Area topography is hilly with ground levels differing across all directions. It is not listed nor in a conservation area or a flood zone. There are no protected trees on site. The site lies within the inner zone of influence of the Epping Forest Special Area of Conservation (EFSAC).

## **Proposal**

Proposed erection of 2 no. 4-bedroom houses. Demolition of existing house.

## **Relevant Planning History**

### **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
T1	Sustainable Transport Choices
DM1	Habitat Protection and Improving Biodiversity
DM2	Epping Forest SAC and the Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM5	Green and Blue Infrastructure
DM9	High Quality Design
DM10	Housing Design and Quality
DM11	Waste Recycling Facilities on New Development
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
DM22	Air Quality

#### *National Planning Policy Framework 2024 (Framework)*

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

Paragraphs 131 & 135

### **Summary of Representations**

Number of neighbours 19 Consulted: 3 response(s) received.

Site notice posted: N/a

NEIGHBOUR OBJECTIONS from 60 and 62 Fontayne Avenue and 55 Lechmere Avenue summarised as:

- Opposes the intensification of the site leading to noise and nuisance from additional dwellers.
- Loss of light, privacy and outlook from the built form.
- Overdevelopment, over 50% of land occupied by built form.
- Overbearing due to their mass, scale and height.
- Loss of light to neighbours at no.57.
- Noise and air pollution due to car parking placement close to neighbouring gardens.
- Adverse impact on recreational pressure and air pollution to the EFSAC.

CHIGWELL PARISH COUNCIL – No comment received.

EFDC CONTAMINATED LAND: No objection subject to conditions.

ESSEX COUNTY COUNCIL – ECOLOGY - No objection subject to securing biodiversity mitigation and enhancement measures, including mandatory biodiversity net gains.

ESSEX COUNTY COUNCIL – HIGHWAYS: No objection subject to informative.

EFDC LAND DRAINAGE - No objection subject to foul drainage and surface water drainage conditions. The site is within three metres of a public sewer and will require build over consent from the Water Authority.

EFDC TREES AND LANDSCAPING – No observations to make on this application.

### **Planning Considerations**

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the locality
- b) Highway safety and parking provision
- c) Standard of accommodation
- d) The impact to the living conditions of neighbours
- e) HRA and the impact on the Epping Forest Special Area of Conservation (EFSAC).
- f) Ecological impact
- g) Biodiversity Net Gain (BNG)

#### *Character and appearance*

This resubmission follows the refusal of a similar scheme ref EPF/1728/24. Grounds for refusal concerned the height and massing and inconsistency with the existing roof hierarchy within the streetscene; parking placement affecting neighbouring amenities as well as a lack of HRA supporting information and by virtue of the refusal decision the lack of a section 106 agreement for EFSAC mitigation measures.

Design revisions represent a clean, considered approach, sympathetic to the varied inter/post war architectural style in the street. However, whilst one of the rear dormers is removed to reduce the massing towards Broadhurst Gardens, the overall height of the roof is increased to a size greater than that of previous applications. The applicant cites development at

62-64 Lechmere Avenue '*Due to their setting on upper grounds, double height flat frontage, lack of variation in roof lines, large visible flank walls and light cream finish against muted and darker colours of its neighbours. These form a relevant precedent in terms of visual impact on the street scene*' The visual impact from a 2013 approved mid-street development, on the elevated side of the street with consistent roof height is not comparable to the positioning of the subject dwelling where it lies within a prominent corner plot visible from several vantage points. Its prominence is also notable from Broadhurst Gardens due to the slope in the road. The proposal is a significant contrast in terms of its overall size from the lower lying existing dwelling it replaces. Further, the visual impact from the example provided does not justify further visually harmful development.

Whilst the DAS refers to a reduction in the height lower than that of no.57, the overall building height measures greater than that previously proposed in applications EPF/1129/20, EPF/0458/20 and EPF/1728/24. Further exploration of how this might have occurred shows, the neighbouring dwelling at no.57 is presented with a higher eaves height than previous. Essentially the drawing is bringing no.57 in line with the extended height. As such, the drawings cannot be relied upon to understand the existing spatial relationship with no.57. In these circumstances, there is doubt as to whether the harm due to the height of the building has been addressed. With the ground sloping both to the rear and side (adjacent to the public highway) the proposed semi-detached pair of dwellings demonstrate disregard to the topography however revisions to design with the side set in at first floor levels and layers in the roof contribute to a reduction in massing.

The proposal continues to result in excessive height which has a negative impact to the street scene and is detrimental to the character and appearance of the wider area.

#### *Highway Safety and Parking*

With regards to the parking arrangements for the proposed dwelling, 2 car parking spaces are required for a 2 bed+ dwelling in line with the Councils adopted parking standards (Essex Parking Guidance 2024), however, the EPG also state where proposals are within sustainable travel locations, less parking provision could be acceptable. New development is expected to demonstrate EV charging facilities and safe and secure cycle storage. Additional space for cycle storage is not required where there is already a garage within the curtilage of the site. It is noted that no objection has been received from the highways officer, so it is considered that there would be no detrimental impact to the safety operation of the highway network.

This proposal responds to a previous reason for refusal with revised positioning of car parking provision. Proposal comprises two EV charging points to the rear of the site with an existing dropped kerb extended and accessible from Broadhurst Gardens both components are acceptable. The existing garage is extended to form one secure car parking space with one space immediately in front of the garage. Two further adjacent parallel parking bays are provided allowing cars to face Broadhurst Gardens. The configuration is acceptable however, parking bay dimensions fall short of the updated minimum standards as defined in Essex Parking Guidance 2024. However, single parking bays per dwelling are acceptable given the sustainable travel location.

#### *Standard of Accommodation*

The proposal would exceed the National Described Space Standards for two 4 bed-6-person dwellings (112m<sup>2</sup>) with a GIA at some 138m<sup>2</sup> and 145m<sup>2</sup> respectively. The dwellings would have functional external amenity space of approximately 92.5m<sup>2</sup> and 143.5m<sup>2</sup> respectively with a reasonable outlook for future users of the dwellings, and light levels given its orientation towards the northeast.

#### *Living Conditions*

With regards to the impact on No's 57, there is sufficient separation between dwellings to avoid the terracing effect. As such, it is not considered that there would be any material harm to their living conditions, in terms of loss of light, overshadowing, loss of privacy or loss of outlook.

Both dwellings would be sited some 24m away from the rear garden to No. 60 and No.62 Fontayne Gardens. Officers note the concerns raised regarding potential noise nuisance from the intensification of the site. An additional dwelling for a single-family household located to the rear of neighbours at Fontayne Avenue is not likely to result in excessive noise nuisance in this urban residential setting and is considered to result in low to moderate harm. Siting of the car parking spaces to the rear gardens at of residents at Fontayne Avenue is also not likely to result in excessive vehicle pollution considering the separation by way of fencing with boundary hedging and two of the spaces would be for electric cars using renewable energy. For these reasons the proposal is not considered to result in excessive harm to the living conditions of neighbouring occupants.

#### *Habitats Regulations Assessment and Epping Forest Special Area of Conservation (EFSAC)*

In accordance with Policy DM2 of the Local Plan, the Council will expect all relevant development proposals to assist in the conservation and enhancement of the biodiversity, character, appearance and landscape setting of Epping Forest and the Lee Valley. The Council will expect all relevant development proposals to ensure that there is no adverse effect on the site integrity of the Epping Forest Special Area of Conservation and the Lee Valley Special Protection Area.

Habitats Regulations Assessment (particularly relating to impacts on the Epping Forest Special Area as a result of recreational pressure and atmospheric pollution) are required for all new residential and non-residential development proposals to assess their impact on designated/protected habitats and/or sensitive areas, e.g. Special Protection Areas (SPAs), Special Area of Conservation (SACs), and Sites of Special Scientific Interest (SSSIs)

A project-level HRA note and/or detailed assessment should be supplied by competent person(s). Assessment of impacts on the Epping Forest Special Area of Conservation (EFSAC) shall include consideration of the following matters:

- recreational visitor effects for sites within the 0-6 km Zone of Influence;
- atmospheric pollution effects from any additional traffic generation on roads within the EFSAC or within 200m proximity; and
- how any urbanisation effects for sites within 400m of the Forest (including from fly tipping, the introduction of non-native plant species and incidental arson) will be mitigated against.

The proposal provides a TRICS analysis to ascertain AADT levels associated with the proposed development however the rationale of the report concerns highway safety rather than impact of air pollution on the EFSAC and does not identify the potential cumulative omission levels from the additional trips. It does however confirm an increase of vehicle trips overall. The application contains inadequate identification of the impact from recreational pressure from the proposed development on the likely impact on the integrity of the EFSAC

With the site increasing from a 3-bedroom 5-person capacity to two x 4-bedroom 6-person capacity, results in a net increase of 7 people located within 3 kilometres of the EFSAC. This net increase in people is considered highly likely to result in additional recreational pressure on the EFSAC.

The application contains insufficient first stage screening information to assess whether the proposal meets the requirements of the Habitat Regulations 2017.

#### *Ecological impact*

The site is not a roosting site for bats but further surveys may be required. The proposed ecological measures are proportionate to the size, scale and location of the proposed development.

#### *Biodiversity Net Gain*

Unless exempt, the UK Environment Act 2021 introduced mandatory Biodiversity Net Gain (BNG) for developments, requiring a 10% increase in biodiversity after development compared to the pre-development baseline. BNG became a legal requirement in England under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

The proposal suggests a net gain in habitat biodiversity of 26.36% and a net change in hedgerow biodiversity of 1334.56%. The Ecology Officer was satisfied that baseline habitat data was calculated appropriately and that there is sufficient ecological information available for determination of this application subject to conditions/legal agreement.

#### **Conclusion**

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