

**98-100 Hainault Road, Chigwell, IG7 5DJ**

**EPF/2823/21**

**Description of Site:**

The application site comprises a semi-detached pair of houses on the east side of Hainault Road, close to the junction with Hainault Grove.

The surrounding area is residential, with Hainault Road mainly comprising large detached and semi-detached dwellings. Hainault Grove to the south is a cul-de-sac of eight bungalows.

**Description of Proposal:**

Description of development:

*Proposed demolition of 2 x semi-detached dwellings and an erection of 7 flats to accommodate 1, 2 and 3 bedrooms along with parking, amenity and landscaping (Revised application to EPF/1894/21)*

The proposed development comprises the following elements:

- 7 no flats (2 x 1 bed, 4 x 2 bed and 1 x 3 bed)
- 5 no. car parking spaces
- Communal Amenity space to rear

**Relevant History:**

EPF/1894/21 - Demolition of 2 x semi-detached dwellings and an erection of 7 flats to accommodate 1, 2 and 3 bedrooms along with parking, amenity and landscaping. Withdrawn 22.10.2021.

**Policies Applied:**

*Epping Forest Local Plan and Alterations 1998/2006*

CP1 – Achieving Sustainable Development Objectives  
CP2 – Protecting the quality of the rural and built environment  
CP7 – Urban Form and Quality  
DBE1 – Design of New Buildings  
DBE2 – Effect on Neighbouring Properties  
DBE3 – Design in Urban Areas  
DBE6 – Car Parking in New Development  
DBE8 – Private Amenity Space  
DBE9 – Loss of Amenity  
ST6 – Car parking

*National Planning Policy Framework (NPPF) (July 2021)*

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are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- c)
  - 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.

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

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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.

The appointed Inspector issued her initial advice on 2 August 2019 and since then, the Council has undertaken further work to address the actions identified by the Inspector. This has led to the production of a number of proposed changes to the Local Plan Submission Version 2017 (known as the Schedule of Main Modifications) and additional supporting documents associated with the Main Modifications. These are to address issues of soundness and/or legal compliance identified by the Inspector.

The Main Modifications include changes to some of the supporting text and Policies within the Plan, deletion and amendment to some site allocations, updated Housing Supply data to March 2020, along with associated changes to the mapping contained within the Plan.

The Main Modifications are put forward without prejudice to the Inspector’s final conclusions on the Plan. Following the close of the consultation (ended 23<sup>rd</sup> September 2021), the representations will be passed to the Inspector for her consideration before the publication of the Inspector’s final report.

The following policies in the LPSV are considered to be of relevance to the determination of this application:

- SP1 Presumption in Favour of Sustainable Development
- SP3-Place Shaping
- H1 – Housing Mix and Accommodation Types
- T1 – Sustainable Transport Choices
- DM2 – Epping Forest SAC and the Lee Valley SPA
- DM9 – High Quality Design
- DM10 – Housing Design and Quality
- DM11 – Waste recycling facilities on new development
- DM18 – On site management of waste water and water supply
- DM22 – Air Quality.

**Consultation Carried Out and Summary of Representations Received:**

Chigwell Parish Council: Strong Objection:

*“The Council STRONGLY OBJECTS to this application because the proposal is an over-development of the site, out of character to the existing street scene, would cause a loss of amenity to the neighbouring properties and result in overlooking into these properties. Further, there appears to have been no consideration given to sustainable building techniques.”*

17 neighbours consulted: 5 responses received comprising 5 objections.

59A Hainault Road	Strong objection	<ul style="list-style-type: none"> <li>- Overdevelopment</li> <li>- Out of Character</li> <li>- Impact on Traffic Volumes</li> </ul>
3 Hainault Grove	Strong objection	<ul style="list-style-type: none"> <li>- Out of Character, overdevelopment</li> <li>- Insufficient car parking, Highway safety concerns</li> <li>- Security concerns</li> <li>- Overlooking/loss of privacy</li> </ul>
2 Hainault Grove	Objection	<ul style="list-style-type: none"> <li>- Insufficient car parking, Highway safety concerns</li> <li>- Overbearing impact, loss of light and privacy</li> </ul>
6 Hainault Grove	Strong objection	<ul style="list-style-type: none"> <li>- Insufficient car parking, Highway safety concerns</li> <li>- Impact on wildlife/trees</li> <li>- Overdevelopment/out of character</li> </ul>
96 Hainault Road	Strong objection	<ul style="list-style-type: none"> <li>- Insufficient car parking, Highway safety</li> </ul>

		concerns - Overlooking/loss of privacy - Overdevelopment/out of character
--	--	---

ECC Highways	Objection – Insufficient car parking
EFDC Land Drainage	No objection, subject to condition
Trees and Landscaping	No objection subject to conditions
EFDC Contaminated Land	No objection, subject to condition.

**Issues and Considerations:**

The main issues to consider relate to Principle of Development, Design, Character and Appearance, Residential Amenity, Highways and Trees and Landscaping.

Principle of Development

The proposal involves demolition of a pair of semi-detached houses and the replacement with a larger 2.5 storey building accommodating 7 flats.

The character of the immediate surrounding area is detached and semi-detached houses on Hainault Road and a cul-de-sac of 8 bungalows to the south (Hainault Grove).

There are no flatted developments in the nearby surrounding area.

It is considered that a 7 unit flatted development on this site would result in an intensification of use which would create an undesirable precedent and detract from the character of the immediate surrounding area which currently consists of detached and semi detached 2 storey dwellings and single storey bungalows.

Design, Character and Appearance

Compared to the existing dwellings on the site the proposed building would be a larger 2.5 storey L-shaped building with a greater footprint, extending deeper into the rear garden along the boundary of No. 1 Hainault Grove.

The proposed flatted development, by virtue of the increased level of development proposed represents an over intensive use of the site, demonstrated by the increased footprint, scale and bulk of the building which would be out of character with the scale and pattern of development in the surrounding area which is primarily single family dwellinghouses and is unacceptable in this respect.

Residential Amenity

The proposed building would extend along the boundary with the immediate neighbour to the south, No. 1 Hainault Grove, moving closer to the boundary and extending deeper into the rear garden than the existing dwelling on the site and it is considered that this would have an overbearing impact on the occupiers of this neighbouring bungalow. The proposed development includes a side facing living room window which would overlook the garden of No. 1 Hainault Grove resulting in a loss of privacy.

It is also considered that the proposed development would have a harmful visual impact on and result in overlooking / loss of privacy to other neighbouring properties and their rear gardens including 2 and 3 Hainault Grove and 96 Hainault Road.

The proposal is therefore unacceptable in this respect.

### Highways

Highway Authority Comments 11<sup>th</sup> November 2021:

**“From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:**

The proposal does not provide sufficient parking provision which could lead to inappropriate kerbside parking on Hainault Road. Hainault Road is a classified ‘A Road’ and bus route and this proposal could lead to vehicles parking out on the A123 to the detriment of highway safety.

The Highway Authority does consider Chigwell to be a reasonably accessible location, in terms of good access to other modes of sustainable travel, and consequently a reduction in the parking provision could be supported at this location. A minimum of one space per dwelling would be recommended for this proposal.

The proposal if permitted would set a precedent for future similar developments which could in time lead to additional inappropriate parking and would undermine the principle of seeking to discourage on-street parking in the locality.

**Therefore, this proposal is contrary to the aims and objectives contained within the Highway Authority’s Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policies ST4 & ST6 of the adopted Local Plan 1998 & 2006, Policy T1 of the Local Plan Submission Version 2017, and the NPPF 2021.”**

### Trees and Landscaping

Tree Officer comments:

We have NO OBJECTION to this application subject to the addition of the following conditions:-

SCN31 – retention of trees and shrubs

SCN35 – Hard and soft landscaping

Tree Protection

*Tree protection shall be installed as shown on Arbor Cultural Ltd ' Tree Constraints Plan / Tree Protection Plan' drawing number 'TPP-01 Rev A' (dated 23<sup>rd</sup> August 2021) prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.*

*Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policy LL10 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021.*

SAC

The proposal would result in a net increase of 5 dwellings.

In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation.

**Conclusion:**

Recommended for refusal.