

**Delegated Report
47 Hainault Road, Chigwell
EPF/2122/22**

Site and Surroundings

The site comprises of a detached dwelling, located within a built-up area of Chigwell. It is not in a conservation area nor listed. A Public Right of Way runs adjacent to the site. No protected trees lie within or adjacent the site.

Proposal

The proposal is for a replacement dwelling with a basement.

Relevant Planning History

EPF/0561/13 - Erection of 4m high supporting poles and linking wires associated with the creation of an Eruv (continuous boundary in accordance with Jewish Law) for Chigwell and Hainault - Approve with Conditions

EPF/1168/15 - Part single and part two storey rear extension, raising the ridge height of existing main building to facilitate creation of second floor level, changing the roof to an extended gable end roof form, construction of one rear dormer window with Juliet balcony to facilitate creation of additional rooms in the roof space, alterations to fenestrations at ground floor and first floor level, insertion of roof lights at front elevation and construction of a new front porch - Approve with Conditions

EPF/1198/18 - Renewal of previous consent for part single storey, part two storey rear extension including raising the main roof to create additional accommodation (EPF/1168/15) – Approved with Conditions

Development Plan Context

Local Plan and Alterations 1998 & 2006 (LP)

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
CP7	Urban Form and Quality
DBE1	Design of New Buildings
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscaping Schemes
ST4	Road Safety
ST6	Vehicle Parking

National Planning Policy Framework 2021 (Framework)

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 126 & 130

Local Plan Submission Version 2017 (LPSV)

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. The appointed Inspector has indicated an intention to provide advice to the Council by 12th July 2019; this advice will be given without prejudice to the Inspector's 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 Main Modifications, the **highest weight** should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following policies are relevant to the determination of this application;

H1	Housing Mix and Accommodation Types
T1	Sustainable Transport Choices
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
DM12	Basement
DM16	Sustainable Drainage Systems
DM19	Sustainable Water Use
DM21	Local Environmental Impacts, Pollution and Land Contamination
DM22	Air Quality

Summary of Representations

Number of neighbours Consulted: 10. 1 response(s) received

Site notice posted: No, not required

43 HAINAULT ROAD – Concerns regarding construction phase & party wall matters.

CHIGWELL PARISH COUNCIL – No comments received at the time of writing this report.

Planning Considerations

Design

Whilst there is no uniform design or building form within the street and surroundings, however, the proposed development would look jarring and incongruous in this setting. A design of a building should respect local distinctiveness and be respectful. This proposal with its front balconies, extensive flat roofed elements and bulky mansard roof will appear at odds with the character and appearance of the street scene.

Thus, the proposal fails to complement the character of the existing buildings within the street scene. Consequently, it would have a harmful effect to the character and appearance of the area. It is noted that the previous approved consent was also of a large scale, although not implemented, but it was far more respectful to the character and appearance of the street scene than the proposal.

Living Conditions

Taking into account the previous approved consents, the building which is orientated towards the northeast together with the visual gap from the common boundaries would have a limited impact to neighbouring amenities (No's 45 & 49), in terms of loss of light, overshadowing, overbearing and visual impact, however, it is insufficient to warrant a reason for refusal. A privacy screen condition has been added to ensure there is no material harm from the first-floor rear balcony, and the flank windows at first floor level and above would be conditioned to be obscure glazed with fixed frames, so there would be no material loss of privacy.

Other Considerations

The proposed development would have sufficient internal and external amenity space for future occupiers of the proposed dwelling.

There is sufficient space to park multiple cars on the site and no objections were raised by the Highways Officer. So, it is considered that there would be no detrimental impact to the safety operation of the highway network and the public right of way.

The Council's Tree officer has raised no objections subject to recommended conditions.

A replacement dwelling will not have an impact to the integrity of the EFSAC, as there will be no increase in recreational pressure and vehicle movements from the site compared to what can be achieved at present.

I note the concerns raised by the neighbours however, the construction phase is would be temporary and any damage etc falls within the scope of the Party Wall Act.

Conclusion

For the reasons set out above having regard to all matters raised, it is recommended that planning permission be refused for the sole reason below;

1. The proposal, by reason of the front balconies, extensive flat roofed elements and bulky mansard roof will appear incongruous with the character and appearance of the street scene. Thus, the proposal fails to complement or enhance the character of the existing buildings within the street scene. Consequently, it would have a harmful effect to the character and appearance of the area, contrary to Policies CP2, CP7 & DBE1 of the adopted Local Plan 1998 & 2006, Policy DM9 of the Local Plan Submission Version 2017, and Paragraphs 126 & 130 of the NPPF 2021.

Plan Numbers;

1026-016, 1026-A010 Rev P1, 1026-A100 Rev P1, 1026-A200 Rev P1, 1026-A300 Rev P1, 1026-A600 Rev P1, 1026-A610 Rev P1, 1026-A620 Rev P1, 1026-A630 Rev P1, 1026-A125 Rev P5, 1026-A120 Rev P6, 1026-A220 Rev P6, 1026-A320 Rev P6, 1026-A420 Rev P4, 1026-A602 Rev P7, 1026-A612 Rev P8, 1026-A622 Rev P6, 1026-A632, 1026-A623 Rev P5, 1026-A900 Rev P2, 1026-A901 Rev P2, 1026-A902 Rev P3, 1026-A903 Rev P3, 1026-A950 Rev P1, 1026-A905, and 1026-A906.