

Delegated Report
Planning Application - Removal/variation of conditions - Section 73 TCPA
Broad Oaks, 34 High Road, Chigwell, IG7 6DW
EPF/1865/23

Site and Surroundings

The site comprises permission for a new dwelling house EPF/2719/21 on a 6.5-hectare estate. A previous detached dwelling on the site is demolished and several outbuildings are retained. The site lies on the east side of High Road outside of the main village of Chigwell. Surrounding area is characterised by its larger detached estates surrounded by mature trees to boundaries. The site is not located within the boundaries of a Conservation Area. It lies within the Metropolitan Green Belt and there are multiple designated Tree Protection Orders on the site.

Proposal

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).

This application is one of three separate submissions EPF/1849/23 for an electricity substation and EPF/1864/23 new entrance walls and gates, delivery and admin huts and security hut.

This is a revised planning application following the refusal of a similar scheme EPF/2229/22 which was refused due massing and disproportionate additions affecting the openness of Green Belt and inadequate provision for tree retention and replacement.

Relevant Planning History

The proposal site has extensive planning history dating back to 2018. The most relevant history to this application has been detailed above.

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:

DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM4	Green Belt
DM5	Green and Blue Infrastructure
DM7	Heritage Assets
DM9	High Quality Design
DM12	Subterranean, Basement Development and Lightwells
SP5	Green Belt and Local Greenspace
SP6	The Natural Environment, Landscape Character and Green and Blue

Infrastructure

National Planning Policy Framework 2023 (Framework)

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

Paragraphs 126 & 130
Paragraphs 147 - 150
Paragraph 180

Summary of Representations

Number of neighbours Consulted: 9. 1 response received.
Site notice posted: No

NEIGHBOUR RESPONSES **Objection** summarised as:

- i) Future conversion to other uses affecting the character of the area.

Chigwell Parish Council comment:

'The Council STRONGLY OBJECTS to this application which it considers will result in inappropriate development in Green Belt without any special circumstances. The Council noted that the at 5.1 the Design and Access statement for the original planning application EPF/1107/20, detailed that all the buildings on the site and adjoining land in the same ownership would be demolished in order that the above ground volume of the new building would comply with Green Belt policy in terms of volume. The officer's report for application EPF/1107/23 listed the ancillary buildings (garage and pool house) as having a volume of 2,763 cubic metres and the coach house and associated buildings as being 610 cubic metres, all of which would be demolished. This does not appear to tally with the volume figures in the submitted document to the current application, TAE MAIN HOUSE- 3000 VOLUMES. It was not clear to Councillors how buildings already being demolished and replaced in volume by the main house, could be demolished again as appeared to be proposed in the application before them. The Council noted the tree officers comments regarding the loss of the mature oak where the proposed basement extension is sited and that it is not being replaced. The Council OBJECT due to the loss of green infrastructure'

EDFC Trees and Landscaping

'An updated Arb report has been submitted with this application. It advises that T37 a 'B' category mature English Oak, had 'failed in storm Eunice Feb 2022'. Of the 230 individual trees recorded in the survey this is the only one that appears to have been affected by the storm.

This fact is relevant as it is only because of the loss of this tree that allows for the extended basement to become a possibility.

It is also noted that a further mature ash tree (T51) requires removal to facilitate development.

No replacement planting information has been provided. So, currently the application results in a net loss of green infrastructure from the site.

Please could we request details (species / sizes and planning locations for two replacement trees).

Once this information is received please re-consult for revised comments.'

EFDC Contaminated Land

No objection in principle.

EFDC Environmental Protection and Land Drainage

'Having reviewed the above application in line with the Council's adopted Local Plan policies, namely DM15, DM16 and DM17, I have no objection to the planning application in principle, subject to the approval/implementation of the requirements set out by this team. SCN39 was previously requested by this team and subsequently included on the decision notice as 'Condition 4' for EPF/2719/21 (requiring approval of surface water drainage details by the Local Planning Authority prior to preliminary groundworks commencing), this condition remains outstanding. As such, I would expect the details provided to discharge condition 4 to include the changes brought about by the variation of condition 1.'

National Gas

There are no National Gas Transmission assets affected in this area.

Thames Water

No comments to make at this time.

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
- d) The impact on Green Belt.

Character & Appearance

Housing along this locality is largely self-contained detached dwellings typically gated walled/railing entrances, sweeping driveways, mature trees, and extensive landscaping. The application site is an exceptionally large area of approximately 6.5-hectare former estate comprising woodland, ponds, private parkland, pathways, outbuildings and private leisure facilities. Sparsely located neighbouring estates have similar features.

The proposal for a north and south pavilion overlooking the rear terrace extends to both ends of the main dwelling with a subterranean basement to the north side. With flat roof form and glazed roof lanterns, arched windows to front and flank elevations contrasting significantly from the rectangular shaped windows to the main dwelling. The basement and pavilion above will result in an exaggerated eaves height due to ground level differences resulting in a heavy quality to the outer edges of the building. Whilst the development is confined to the rear and not visible to the streetscene, it remains bulky and over prominent in character and is therefore not supported.

Living Conditions

One neighbour objected to the proposal regarding the prospect of future change of use which would affect the character of the setting. Future change of use would require planning permission and consideration will be given according to the merits of the application. The neighbour comment is therefore not material to this planning application.

The proposal site is a detached dwelling set within its own private grounds. The proposed development does not affect the living conditions of its neighbours.

Trees and Landscaping

EFDC Trees and Landscaping requested tree replacement details that have not been received.

Demolition of the Cottage Complex to compensate for the new volume of the Pavilions is located within 10m of a blanket designation TPO. In the absence of a tree protection plan, the proposal does not sufficiently demonstrate tree protection measures to carry out the demolition of the Cottage Complex. The proposal will therefore result in harm to trees afforded legal protection contrary to Local Plan policy.

The proposal does not adequately specify the siting and species of replacement trees resulting in a net loss of green infrastructure.

Green Belt

The approved dwelling EPF/2719/21 is over 35,000 cubic metres in volume. The proposed additions represent a small fraction additional volume at 5.5%. However, an assessment of appropriateness also carries a visual and spatial test.

The proposed additions in the form of two orangeries on both ends of the approved dwelling and a subterranean basement under the north orangery further elongates the width of the building with additional massing to the outer wings. The proposal is confined to the rear of the dwelling set well within the site and is not visible to the streetscene. Land levels differ significantly sloping from the front to the rear. Basement level is visible to the rear of the dwelling adding to the eaves height resulting in an overly prominent form of development.

Outbuildings to be demolished include the Cottage Complex and the Octagon totalling 1,170 m³. Both are set well within the site boundary adjacent to the main dwelling. The removal of two outbuildings one of which is single storey in disparate locations does not sufficiently compensate for the extent of additional massing and adjoining bulk that is proposed. The visual impact of the outbuildings is not considered a similar comparator with the proposed development. The proposal due to the prominence, scale and massing affects the openness of the rural landscape and is therefore considered inappropriate development on Metropolitan Green Belt and very special circumstances will be required.

Failing to meet the visual/spatial assessment, consideration is given to any Very Special Circumstances that may exist outweighing any harm by reason of inappropriateness. Very special circumstances can be secured by way of condition to remove the outbuildings detailed in the demolition site plan prior to groundworks commencing however, the volume calculations provided do not account for the additional volume created in the basement resulting in a shortfall of 746.80 cubic metres. As such, the proposed demolition of outbuildings does not outweigh the resulting harm to openness therefore no very special circumstances exist and the proposal is considered inappropriate development on Green Belt.

Conclusion

Having regard to all material planning considerations, and as outlined in the report, the proposal is likely to have a significant impact openness of the Green Belt and on green infrastructure and is therefore recommended for refusal.