

**Delegated Report**  
**EPF/1200/24**  
**14, Brook Way, Chigwell, IG7 6AW**

**Description of Site:**

No. 14 comprises of a 2-storey detached dwellinghouse located to the north of Brook Way, a corner site adjacent to Brook Rise, a semi-rural suburban area of Chigwell. The property has a garage sited to the rear of the garden fronting onto Brook Rise.

Brook Way comprises of residential detached houses with open frontages. The houses in this section of Brook Way comprises of modest size traditional dwellings similar in character, front alignment, off set from the boundary. Many of the properties have been extended in some forms.

Brook Rise gradually rises towards the rear of Brook Way. The property is not sited in a conservation or listed.

**Description of Proposal:**

This application seeks planning permission for the replacement of the existing dwelling by a new 2 storey 7 bed dwelling arranged over three floors with 2 front and rear gables and a stretched flat roof, a basement, rear sedum flat roof double garage/outbuilding, front and rear gates with associated external works following demolition of the existing garages.

The replacement of the rear garage involves an increase in garden level of the proposed garage to the level of the Brook Rise raised so that the overall height of the garage from garage level is some 5.7m

New driveway electric sliding gates to the front and rear of the property

The external walls are to comprise of a mix of smooth render and stone cladding finishes, with timber cladding to part of the rear elevation of the dwelling and outbuilding. The pitch roofs are to be tiled using slate tiles, with matching hip/valley tiles and ridge tiles. The windows and doors are to be aluminium frame with a black or grey colour framework.

**Relevant History:**

Nonrelevant

**Policies Applied:**

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.

**Epping Forest District Local Plan (2011-2033) (March 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 table lists the relevant policies to the determination of this application.

SP1 Spatial Development Strategy 2011-2033  
SP2 Place Shaping  
H1 Housing mix and accommodation types  
DM3 Landscape Character, Ancient Landscapes and Geodiversity  
DM9 High Quality Design  
DM10 Housing Design & Quality  
DM11 Waste Recycling Facilities in new development  
DM15 Managing and reducing flood risk  
DM16 Sustainable Drainage Systems  
DM17 Protecting and enhancing watercourses and flood defences  
DM18 On site management and reuse of wastewater and water supply  
DM19 Sustainable Water Use  
DM5 - Green and Blue Infrastructure  
T1 Sustainable transport choices Significant

#### NPPF, 2024

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

Chapter 2 Achieving sustainable development  
Chapter 11 Making effective use of land  
Chapter 12 Achieving well designed and beautiful places

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

Site Notice displayed 11/11/24

10 adjoining neighbours were notified: objections received.

### 2 Brook Rise

- Drainage problems: At present no geotechnical investigation has been completed and therefore it is not possible for the planning authority to recommend approval.

Boundary fence between 2 Brook Rise and 14 Brook Way: there is no boundary agreement in place between the applicant and the owners of 2 Brook Rise, and the Land Registry Plans are ambiguous regarding the fence ownership. Therefore, there is no determination of who owns and is responsible for the fence structure. The applicant appears to show removal of this fence and replacement with a retaining boundary wall which the owner of 2 Brook Rise has not agreed to.

- Height of outbuilding: the height of the proposed outbuilding is not included on the elevation plans. It is recommended that the height of the outbuilding is clarified before permission is granted and is limited to the height of the existing outbuilding (<4 metres) to ensure it is in keeping with other similar outbuildings in the surrounding area.

### 3 Brook Rise

Excessive and disproportionate building mass/bulk in terms of its general architecture and configuration - The existing building structure occupying the No. 14 Brook Way site is a proportionate detached two storey family house that is of a style and scale commensurate with the neighbourhood in which it is situated. The other properties within Brook Way within the immediate vicinity are of a similar architectural style and character. - The construction of a four-storey premises in this suburban location is excessive and unquestionably amounts to over-development. a full three storeys high with two over dominant gable features incorporating inappropriate balconies.

The above ground three-storey structure protrudes extensively towards the north and towards No. 3 Brook Rise in close proximity to its eastern boundary with Brook Rise, currently occupied by attractive trees and flora which softens and compliments the street scene.

further exacerbated by the construction of a detached garage block of stark appearance directly facing No. 3 Brook Rise at the northern extremity of the No.14 Brook Way site.

Trees and flora nearby along the eastern flank which are an important integral part of the street scene. Whilst these trees may not be protected by a Tree Preservation Orders, the flora is regarded as an important attribute to in Brook Rise. it is understood that these trees have already been felled.

## **Conclusion**

The proposal by reason of its design, scale, height, forward projection, bulk, mass and siting would cumulatively result in a visually intrusive, cramped, conspicuous and incongruous development, inappropriate in its context and harmful to the open character and appearance of the property and wider semi-rural surrounding area. The proposal is therefore contrary to policy DM9 and DM10 of the Local Plan, 2023 and the National Planning Policy Framework, 2024, the policies which seek to ensure, amongst other things, that new development is of a high-quality design, that respects its setting and the character and environment of the locality.

The development by reason of its design, height, scale and siting would cause a significant degree of demonstrable harm in the form of overbearing, intrusive impact, overlooking and a loss of privacy to the neighbouring properties. Such substantial harm to the living conditions of the adjoining properties is contrary to policy DM9 of the Local Plan, 2023 and with the core objective of the National Planning Policy Framework, 2024 to secure a good standard of amenity for all existing and future occupiers.'

The front boundary gates and enclosure by reason of its design and height represents a visually intrusive, conspicuous and incongruous addition, detrimental to the visual open character and appearance of the wider area, contrary to policy DM9 of the Epping Forest District Adopted Local Plan 2011-2033 (2023) and of the NPPF 2024.

Insufficient information has been submitted that the proposed development adequately demonstrates retention/replacement of suitable landscaping. In the absence of detailed information, it is considered that the proposed development is contrary to policy DM5 of the Epping Forest Adopted Local Plan, (2011-2033) and NPPF, 2024.

The overall parking provision for the site is not in accordance with the current NPPF, 2024. In the light of the above considerations, it is recommended that planning permission is Refused.

