

## Delegated Report

EPF/2451/25

*Rear extension to existing dwelling to create additional living accommodation over three floors, including new accommodation in roof loft space.  
404, Fencepiece Road, Chigwell, IG7 5DS*

### Site and Surroundings

The application site lies on the corner plot of Fencepiece Road and Limes Avenue, Chigwell. The site is occupied by a detached two-storey dwelling house with two front gable-end projections to the front. The plot is surrounded by residential properties to the north, east and west. Immediately to the south of the site, before Limes Avenue, is an allotment plot. The site gradient rises gently from south to north direction.

Planning permission was granted in November 2003 for a large part single-storey and a two-storey extension to the side and rear which have been subsequently built (planning reference: EPF/1945/03).

The Council's Interactive Planning Map shows that there is a tree to the rear of the site which is protected by a Tree Preservation Order (reference: TPO/EPF/04/22). There are no other site-specific designations relating to the site.

The dwelling currently has two dropped kerbs and a deep front residential curtilage which allows vehicles to enter and leave the site in a safe manner.

The Flood Map for Planning on the Government website shows the site located in Flood Zone 1 where the probability of flooding is low.

The application site lies within okm-3km radius of the Epping Forest Special Area of Conservation (the "EFSAC").

### Description of Proposal

Householder planning permission is sought for a rear extension and to provide additional accommodation at first floor level and second floor (within the roof space).

	Existing	Proposed	Increase
<b>Ground Floor</b>	<b>151m2</b> <ul style="list-style-type: none"><li>• Integral garage</li><li>• Living room</li><li>• Utility room</li><li>• Lounge</li><li>• Open plan kitchen and breakfast room</li><li>• Dining room</li><li>• W.C</li></ul>	<b>228.2m2</b> <ul style="list-style-type: none"><li>• Integral garage</li><li>• Living room</li><li>• Open plan kitchen and dining room</li><li>• Lift</li><li>• Utility room</li><li>• Cinema and games room</li><li>• Family room</li></ul>	<b>77.2m2</b>

<b>First Floor</b>	<b>135.9m2</b> <ul style="list-style-type: none"> <li>• 6 x bedrooms</li> <li>• 1 x family bathroom</li> <li>• 2 x ensuites</li> <li>• 1 x dressing room</li> </ul>	<b>231m2</b> <ul style="list-style-type: none"> <li>• 5 x bedrooms</li> <li>• 1 x family bathroom</li> <li>• 4 x ensuites</li> <li>• 3 x dressing rooms</li> <li>• Lift</li> <li>• Balcony</li> </ul>	<b>95.1m2</b>
<b>Second Floor (Roof space)</b>	<b>286.9m2</b> <ul style="list-style-type: none"> <li>• Not shown</li> </ul>	<b>578.6m2</b> <ul style="list-style-type: none"> <li>• 3 x bedrooms</li> <li>• 3 x ensuites</li> <li>• Lift</li> </ul>	<b>291.7m2</b>
<b>Total</b>	<b>573.8m2</b>	<b>1037.8m2</b>	<b>464m2</b>

The rear extension will measure between 7.5 metres – 9 metres deep and 13.5 metres wide. The ridge height of the existing dwelling will be raised by about 600mm to accommodate the crown roof as well the inclusion of dormer windows to the front and rear elevation of the property.

The proposal also includes two x hipped gable extensions the rear of the property. Located between the gable extensions will be a balcony.

The external materials to be use in the construction of the development proposal will match the existing property (clay plain tiles, buff-coloured bricks, zinc cladding).

### Relevant Planning History

The relevant planning history for this site are listed below:

- **EPF/1051/19** - Application for Outline Planning Permission for demolition of existing dwelling and the erection of a building comprising x 10 no. self-contained apartments with associated car parking and amenities. Refused
- **EPF/2351/19** - Outline application for demolition of existing dwelling and erection of a building comprising of x 8 no. self-contained apartments with associated car parking & amenities. (Revised application to EPF/1051/19). Refused
- **EPF/2761/21** - Demolition of existing dwelling and construction of 8 new apartments in 2 blocks with private access road, amenity and off-streetcar parking. Refused
- **EPF/2710/22** - Demolition of existing dwelling and construction of 8 new apartments (Revised Scheme to EPF/2761/21). Refused. Dismissed on Appeal: APP/J1535/W/23/3317051 – 4 January 2024

### Development Plan Context

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework).

- Epping Forest District Local Plan 2011-2033 (2023)
- National Planning Policy Framework (NPPF, 2024)
- Planning Practice Guidance (PPG)

## **Summary of Representation**

Number of neighbours Consulted: 10

No letters of representation received at the time of writing this report

**CHIGWELL PARISH COUNCIL** – The Committee objects to this application for the reasons below:

*“The Council considers the proposed three-storey rear addition and roof/loft accommodation would result in an over-dominant and unneighbourly form of development, materially increasing the mass and bulk of the dwelling and appearing out of keeping with the established form of development to the rear. The resulting scale is also likely to harm neighbouring amenity through an overbearing impact and increased potential for overlooking and loss of privacy.*

*The Parish Council remains particularly concerned about the lack of clear, robust and enforceable protection for any Tree Preservation Order tree(s) and their root protection areas, an issue highlighted by previous proposals on this site. Without detailed Arboricultural information and a secured method of protection before any works begin, the Council cannot be satisfied the development would avoid direct or indirect harm to protected trees.”*

## **Main Considerations**

### **Principle of Development**

The principle of extending and altering an existing dwellinghouse and providing facilities in association with an existing residential use is considered acceptable in accordance with Policy DM9 of the adopted Local Plan. For this reason, the principle of development is considered acceptable subject to material considerations which will be discussed below.

### **Design and Appearance**

The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.

It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Similar support for high quality design and the appropriate layout, scale and detailing of development is required by Policy DM9 of the adopted Local Plan where it states that all new development, amongst other things, must achieve a high quality of design and contribute to the distinctive character and amenity of the local area.

Houses in this locality varies in terms of plot sizes, building types, period designs, materials and having been extended or altered through planning permission or permitted development. As there is no prevailing architectural style in the locality, the proposal to extend and alter the existing, should in principle be acceptable, providing that the development proposal accords with Policy DM9 of the adopted Local Plan.

The submitted plans show the proposal of a large rear extension, the raising of the ridge of the roof and to alter the design of the roof (from gable end to a crown roof design) to provide comfortable internal ceiling height which allows further bedrooms to be accommodated within the roof space. The development proposal will also include dormer windows to the front and rear elevation of the property.

Whilst there is no objection in principle to extend and alter the existing dwelling, however in this instance it is considered that the development proposal, due to its depth, width, scale, mass, and height, would result in a significant increase in built volume in comparison to the existing dwelling. As the development proposal would be projecting much deeper into the plot, it would result in an overwhelming and overbearing form of development by the loss of spaciousness when viewed from No. 406 Fencepiece Road and from the public domain along Limes Avenue.

The development proposal as it stands would cause unacceptable harm to the character and appearance of the area. Accordingly, the development proposal would conflict with Policy DM9 of the adopted Local Plan as it fails to achieve a high-quality design that relates positively to its context and makes a positive contribution to a place.

### **Residential Amenity**

Policy DM9 of the adopted Local Plan states that development proposals must take account of the privacy and amenity of neighbours. Sub-section (iv) of this policy states that proposals should not result in an overbearing form of development which materially impacts on the outlook of neighbours.

### **Rear Extension**

Having considered the depth of the development proposal, combined with the mass and height, it is likely that the rear extension would have an overbearing impact on the outlook enjoyed by the occupants of No. 406 Fencepiece Road from the rear of their property and garden. This is not acceptable and conflicts with Policy DM9 of the adopted Local Plan.

### **Overlooking and Loss of Privacy**

The balcony proposed at first floor level projects further forward than the rear gable ends which means that the future occupants of the development could potentially overlook onto the private garden area of No. 406 Fencepiece Road. The loss of privacy to the existing occupants of the neighbouring property is not considered acceptable, contrary to Policy DM9 of the adopted Local Plan.

### **Loss of Light**

Regarding the loss of light, it is noted that there are two windows on the southern flank wall of No. 406 Fencepiece Road at first floor level serving bedroom 3 and family bathroom as shown below:



Whilst the development would have some impact on the occupants at No. 406, it is important to note that these windows are secondary windows which means that the occupants have other windows which can provide natural lighting to the rooms. By refusal the application by reason of loss of light would be difficult to sustain on appeal. The application, on balance, is considered acceptable and accord with Policy DM9 of the adopted Local Plan.

### **Protected Tree**

The Council's Interactive Proposals Map online shows that there is a tree which is protected by a Tree Preservation Order (TPO) at the rear of the site. As the proposed development will be located some distance away from the protected tree, it is not considered that the tree would be harmed. It is recommended that a planning condition should be imposed requesting details of Root Protection Area to be submitted and approved to ensure the protected tree is not harmed during the course of development in accordance with Policy DM5 of the adopted Local Plan.

### **Highways, Access and Parking**

The proposal seeks to construct a large rear extension to the host property which will result in the dwelling from a 6-bedroom property to a 8-bedroom property. According to the Essex Parking Guidance (2024), three x off-street parking spaces will be required for residential property with 4 or more bedrooms.

As there will be no changes to the existing access and egress point to the site and the space to the front of the property will not be affected by the development proposal, it is not considered the development would cause any obstructions or have an adverse impact on highway safety. For this reason, the proposal would be in accordance with Policy T1 of the adopted Local Plan.

### **Biodiversity Net Gain (BNG)**

As from 2 April 2024, under the Environment Act 2021, there must be a 10% mandatory net gain for small sites. In accordance with the Government Guidance on how to "Calculate biodiversity value with the statutory biodiversity metric", a small development means:

- *residential development where the number of dwellings is between 1 and 9 on a site of an area 1 hectare or less, or if the number of dwellings is unknown, the site area is less than 0.5 hectares*
- *commercial development where floor space created is less than 1,000 square metres or total site area is less than 1 hectare*
- *development that is not the winning and working of minerals or the use of land for mineral-working deposits*
- *development that is not waste development*

As this development is a householder development, this is exempt from BNG provisions.

### **Epping Forest Special Area of Conservation (the "EFSAC")**

Biodiversity features within, or associated with, a Special Area of Conservation (SAC) are subject to a high level of protection under UK law and national planning policy in England. The provisions of the EU Habitats Directive were given effect in UK law by the Conservation of Habitats and Species Regulations 2017, as amended ("the Habitats Regulations") and this level of protection has not changed as a result of the UK having left the European Union.

Large parts of Epping Forest within the District are classified as a Special Area of Conservation and therefore development proposals need to be considered within the context of the Habitats Regulations. This means that any plans and projects (including applications for planning permission) that have the potential, either alone or in combination with other plans or projects (including from development proposed within the emerging Local Plan), to have a likely significant effect on the Epping Forest SAC (EFSAC) must be subject to an assessment, known as an Appropriate Assessment ("AA"). The purpose of an AA is to ascertain whether any development plan or proposal, either alone or in combination, would have an adverse effect on the integrity of the European Site.

The Council has a legal duty as a 'Competent Authority' under the Habitats Regulations to ensure that the EFSAC is protected from the effects of development. Two specific issues, known as 'Pathways of Impact', have been identified whereby new development has the

potential to have a likely significant effect on the integrity of the EFSAC. These 'Pathways of Impact' have been identified through the Habitats Regulations Assessments undertaken to support the development of the Council's Adopted Local Plan and have been agreed with Natural England. The first is an Urbanisation 'Pathway of Impact' with a particular focus on increased levels of visitors using the EFSAC for recreation purposes arising from new development (referred to as "recreational pressure"). The second is an Air Pollution 'Pathway of Impact'. This relates to damage to the health of specifically identified habitats and species within the EFSAC arising from air pollution generated by a number of sources but, primarily, from the level and type of vehicles using roads close to the EFSAC (referred to as "atmospheric pollution").

Policy DM2 of the Local Plan provide the policy context for dealing with the likely significant effect of development on the integrity of the EFSAC outlined above. The Habitat Regulations make clear that a Competent Authority must satisfy itself beyond reasonable scientific doubt that any project, either alone or in combination with other plans and projects, would not result in an adverse effect on the integrity of the EFSAC. It is within this context that the following assessment is made.

Financial contributions, recreational pressure and atmospheric pollution, towards the EFSAC will not be required for this development proposal as it relates to a householder application for extensions and alterations to the host dwelling only.

### **Conclusion**

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Whilst there is no objection in principle to extend and alter the existing dwelling, however in this instance it is considered that the depth, scale, mass, height and bulk of the development proposal to be unacceptable in this location for the reasons above thus contrary to Policy DM9 of the adopted Local Plan and the NPPF (2024).