

Delegated Report

EPF/0459/22

Description of Site:

The site lies at the junction of Turpins Lane and Manor Road. The original house has been converted and extended and the building now comprises 4 flats with parking on the frontage for 7 vehicles

The site lies in a wholly residential area with a mix of properties. The crossroads junction outside is signal controlled.

Description of Proposal:

The application seeks to provide an additional one bed flat in the roof space. The internal space already exists and the external works comprise two dormers in the front elevation facing Turpins Lane, rooflights in the rear roof slope to kitchen and stairwell, and upward roof lights to the main living areas.

No external alterations are indicated.

Relevant History:

EPF/3436/17 – Extension and conversion to 4 flats approved. Subsequent details were approved relating to condition details

This followed previous applications for redevelopment as 8 units (refused and dismissed at appeal) and as 6 flats (refused)

EPF/1137/19 – Conversion of loft space to flat refused on design, poor standard of accommodation and impact on SAC

EPF/2100/19 – NMA revisions to approved plans – approved

EPF/2448/19 – Conversion of roof space to one bed unit - withdrawn

Policies Applied:

Adopted Local Plan:

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
DBE2	Effect on neighbouring properties
DBE3	Design in urban areas
DBE9	Loss of Amenity

NC1	SPA's, SAC's and SSSI's
RP4	Contaminated land
U3B	Sustainable drainage systems
DBE9	Loss of amenity
ST6	Vehicle parking

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:
 - 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:

- 2 Achieving sustainable development
- 5 Delivering sufficient supply of homes
- 8 Promoting healthy and safe communities
- 9 Providing sustainable transport
- 11 Making effective use of land
- 12 Achieving well designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, the Council resolved to approve the Epping Forest District Local Plan (2011-2033) – Submission Version ("LPSV") for submission to the Secretary of State and the Council also resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

The Council submitted the LPSV for independent examination on 21 September 2018. The Inspector appointed to examine the LPSV ("the Local Plan Inspector") held examination hearings between 12 February and 11 June 2019. As part of the

examination process, the Council has asked the Local Plan inspector to recommend modifications of the LPSV to enable its adoption.

During the examination hearings, a number of proposed Main Modifications of the LPSV were 'agreed' with the Inspector on the basis that they would be subject to public consultation in due course. Following completion of the hearings, in a letter dated 2 August 2019, the Inspector provided the Council with advice on the soundness and legal compliance of the LPSV ("the Inspector's Advice"). In that letter, the Inspector concluded that, at this stage, further Main Modifications (MMs) of the emerging Local Plan are required to enable its adoption and that, in some cases, additional work will need to be done by the Council to establish the precise form of the MMs.

Although the LPSV does not yet form part of the statutory development plan, when determining planning applications, the Council must have regard to the LPSV as material to the application under consideration. In accordance with paragraph 48 of the Framework, the LPAs "may give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- c) 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)."

Footnote 22 to paragraph 48 of the NPPF explains that where an emerging Local Plan is being examined under the transitional arrangements (set out in paragraph 214), as is the case for the LPSV, consistency should be tested against the previous version of the Framework published in March 2012.

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 MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the advanced stage of the LPSV, all policies should be afforded significant weight:

No.	POLICY
SP1	Presumption in favour of sustainable development
SP2	Spatial Development Strategy
SP7	The Natural Environment, landscape character and green infrastructure
T1	Sustainable transport choices
T2	Safeguarding of routes and facilities
DM1	Habitat protection and improving biodiversity
DM2	Epping Forest SAC and Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM5	Green and Blue Infrastructure
DM9	High Quality Design
DM10	Housing design and quality
DM15	Managing and reducing flood risk

DM16	Sustainable Drainage Systems
DM19	Sustainable water use
DM21	Local environmental impacts, pollution and land contamination
DM22	Air quality

Consultation Carried Out and Summary of Representations Received

Date of site visit: 11 April 2022

Number of neighbours consulted: 41

Site notice posted: No, not required

Responses received: Five responses received from neighbours at Newlands & 77 Turpins Lane, 32 Manor Road, 5 Tomswood Road and 26 Ely Place

- Similar scheme previously refused
- Design and appearance of building generally and with additions – poor workmanship etc.
- additional unit excessive
- Lack of external amenity space
- Adequacy of refuse storage – possible overspill
- Construction issues with previous and proposed works, further disturbance arising if approved.

Chigwell RA – concerned that no extra parking is provided

Parish Council: Chigwell PC have objected on parking grounds, and referring to existing development having not been completed in accordance with the plans

Main Issues and Considerations:

The development of the site was somewhat drawn out, in part due to earlier refusals for larger schemes, to delays arising from the pandemic, but also due to the quality of work and departures from the approved plans during the works. The standard of workmanship on the build has been poor and some elements of the building are unusual, but all potential enforcement matters have now been closed, and the current application has to be considered on its merits

A previous application for an additional flat in the roof (EPF/1137/19) was refused on three grounds – design and character, living conditions on future occupiers and impact on the EFSAC (the site lies in the core 3km zone).

Other than a change to the type of dormer, there appears little different with the proposal. The dormers are most acceptable in design terms, with the addition of pitched roofs and two casements, but they remain incongruous against the complicated form of the roof as a whole.

None of the issues around the standard of amenity for future occupiers appear to have changed either. The site is heavily constrained, the accommodation relies on overhead rooflights for much of its natural daylight as a result of the inability to provide meaningful openings in the rear without impacting neighbours. No improvement in external amenities are possible. Noting comments in the Planning Statement about internal spaces, this does not alter the view that the accommodation is of poor quality.

The application is accompanied by an HRA. This concludes that the development will

increase pollutants but concludes as this is not significant mitigation is not required. This seems at odds with the Interim Air Pollution Strategy which guides that any impact should be mitigated. Notwithstanding the planning statement does offer mitigation measures including contributions and includes Heads of Terms, but no UU has been supplied. The statement also suggests other mitigation in terms of conditions on cycle parking and EVCP could be imposed; it was noted on site visit that there are currently no cycle stands on the site, nor any evidence that charging points are capable of being installed.

Resident comments discuss parking provision and refuse capacity. There are seven parking spaces on the site. Notwithstanding claims from neighbours that all units are 2-bed, this suggestion is not supported by previous site inspections or the plans. The five units (2 x 2 bed, 3 x 1 bed) would meet parking standards with seven spaces. The refuse store is also designed for standard bins for up to 7 units.

Conclusion:

The cramped nature of the site makes it difficult to justify an additional unit in terms of adequate usable space. The lack of such external relief highlights the poor internal quality of the unit that relies on rooflights in the upper roof to the main habitable spaces. Rear dormers may have alleviated this, but such would be unacceptable in terms of neighbouring amenity, again emphasising the cramped nature of the site.

While the dormers are improved from the previous scheme in terms of their specific design, they are an anomaly on the already complex roof form.

The conclusion of the HRA – that the development has an impact but not enough to worry about – seems at odds with the broader approach. While draft heads of terms for a UU are included, the absence of a binding document prevents the application being supported at this time.

Thus the application should be refused.