

DRAFT COMMENTS RE: APPEAL - CHIGWELL PARISH COUNCIL

1, Grange Crescent, Chigwell, IG7 5JB - Appeal AP-13179 against the refusal of EPF/2954/21 - Application for Variation of Condition 2 for EPF/2061/20. (Double side, double rear extension with alteration to the roof)

Planning was granted for works under EPF/2061/20. This did not include a Juliet balcony, French doors, air conditioning units or the large windows that have been constructed. The building was built including all of these items, none of which were included in the original application. The Parish Council had no objection to the original application and, if planning condition 2 (The building hereby permitted will be completed and retained strictly in accordance with the approved drawings) had been adhered to, application EDF/2954/21, a retrospective permission and the subject of this appeal, would not have been necessary. The applicant in his appeal fails at any point to give any reasons or to justify why the development was not completed strictly in accordance with the approved drawings of application EPF/2061/20 as required by EFDC when planning permission was granted. Furthermore, no attempt was made to revise the approved drawings of EPF/2061/20 before construction began.

The retrospective application EPF/2954/21, the subject of the appeal was considered by Chigwell Parish Council Planning Committee on 12 January 2022. The minutes report that Chigwell Parish Council “STRONGLY OBJECTS to this application because the proposed development would result in over-looking into the neighbouring property and cause an adverse impact upon the privacy and amenity space of the neighbours.”

The Parish further noted that the presence of the air-conditioning units which do not comply with the regulations for permitted development and the presence of the Juliet Balcony, which has not received the obligatory planning approvals.

The Parish received four letters of objection to this application and the Chigwell Residents Association also submitted objections to both the Parish and Epping Forest

Because of the number of objections, the decision was referred to EFDC Plan South Committee. After a site visit by the members of Plan South Committee, this retrospective application was refused. The appellant's statement of case fails to demonstrate why this refusal by Epping Forest Plan South committee should be overturned or give any evidence or justification as to why this development continued without being built in accordance with the approved drawings.

The Parish Council strongly support the decision by the Plan South committee to refuse this application and the grounds cited.

As planning officers have made clear, there have been several site visits from the very early stages and the applicant has had ample opportunity to revert to construction according to the approved plans. The Parish consider this retrospective application so late in the construction process could be seen as a deliberate attempt to subvert the proper planning process. Furthermore, the Parish do not consider the applicant has provided any evidence in his appeal statement to justify any departure from the approved plans, let alone such a significantly change in design as detailed in this retrospective application.

It should be noted the plans as submitted by the appellant do not accurately reflect the built design, giving rise to the concerns minuted by Plan South after their site visit.

It is hoped the Planning Inspector will reject this appeal

APPELLANT'S GROUNDS FOR APPEAL

Statement of case

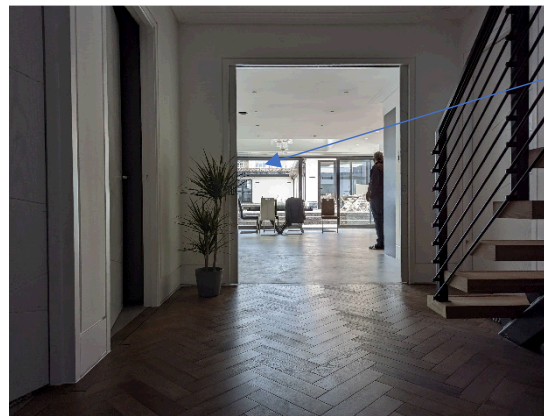
Committee meeting link below -

<https://eppingforest.moderngov.co.uk/ieListDocuments.aspx?CId=574&MId=11189&Ver=4>

7.06 min up to 12 mins into the committee meeting you would hear that the council were looking to support the application and are looking to grant approval, so it comes to a shock that the application has been refused by the LPA, we were aware the committee was going to refuse this application.

I would like to point out that we have shown a design (proposal) that has no impact on anyone or loss of amenity, the LPA also agreed with this, the people that have objected to this application have stated that we are overlooking into their dwelling but the images below clearly show they have more of a overlooking into my clients home as they are higher up and have balcony which come out by 2.5m allowing them to have a more of a overlook out.

We would also like to point out the distance away from the person to make the objection is 50.6m, please note the London plan states a dwelling within 18-22m away can be built and would not be an overlooking issues, we are over double the distances.



1 Oak Lodge- balcony/ veranda

Fig 1 – Hallway picture

4/5 steps into (1 Grange Crescent, Chigwell, IG7 5JB) my clients home we have an overlooking from the rear, this is also the person to make the most objections, stating we are overlooking into here dwelling. (Happy to send image via jpeg if you cannot see on this document).

APPELLANT'S GROUNDS FOR APPEAL

There is a party wall dispute between 1 Oak Lodge Ave, Chigwell IG7 5JA of which has led this now becoming a planning issue as the owner to 1 Oak Lodge Ave lost the party wall dispute so is pushing for a planning issue, this has caused the planning enforcement to visit the site several times too.

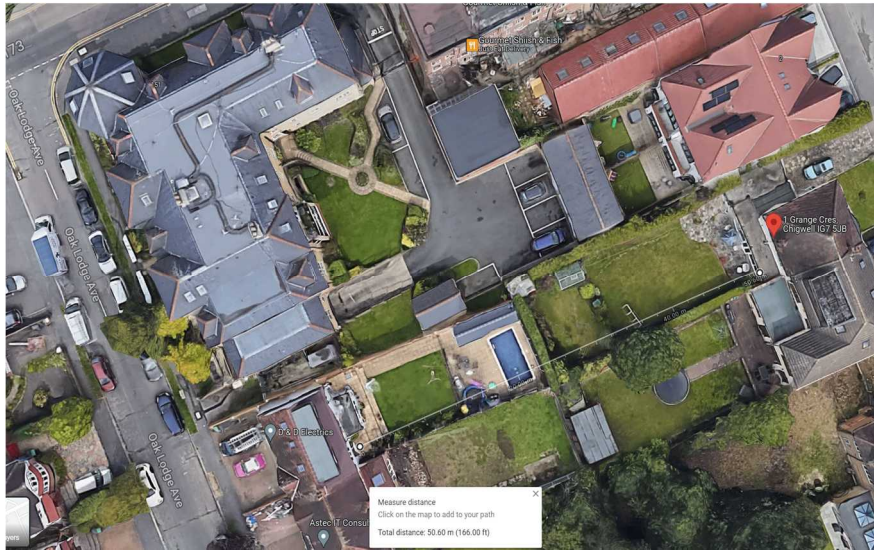


Fig 2—Maps show 50m gap

The committee did state that a Juliet balcony would be better and stop overlooking issues, we do not understand how this would change the overlooking issue as we believe this would be the same, also we have had to amend the design as the walk in wardrobe was proposed to the front of the house and had to be relocated to the rear as the picture below shows that 1 Oak Lodge Ave can see into my clients bedroom even with the walk in wardrobe in place.



Fig 3- Bed view to rear

APPELLANT'S GROUNDS FOR APPEAL

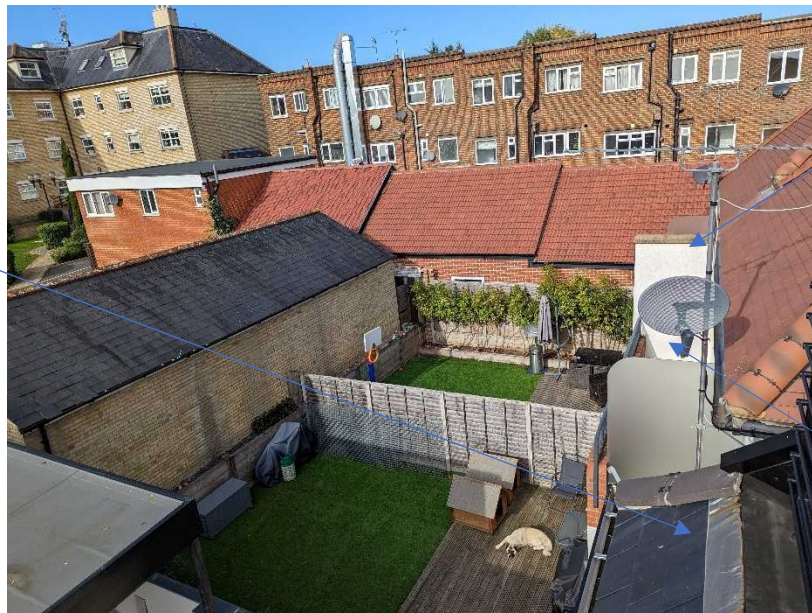
My client can not have the blinds up when in walk in wardrobe as the people on Oak Lodge Ave have the same overlooking issue into my clients home, as you can see from the Fig 4



1 Oak Lodge- balcony/ veranda

Fig 4 – Walk in Wardrobe

Fig 4 shows that there is a number of balconies that can be seen, we are not saying that one more is not going to make a difference but we are saying we are matching the streetscape and our proposal has no impact on anyone, I would also like to point out that I strongly believe the committee did not understand our proposal design and was under the impression that the existing is the proposal design, also this application,



Tile roof to be extended on proposal

1A Grange Crescent

1B Grange Crescent

Fig 5 1a & 1b Grange Crescent balcony view

APPELLANT'S GROUNDS FOR APPEAL



1A & B Grange Crescent

Fig 6 - 1a & 1b Grange Crescent ground floor view

Fig 5 and Fig 6 show the view of next doors houses showing the balconies which have the same overlooking issues and was granted approval in 2016 of which the policies have not changed, also the balcony have a seating area, my client has his one so his son can do star gazing.

Conclusion

I strongly believe this application should be allowed as the proposed design has no impact on anyone nor do we believe this design is bulky or out of character to the streetscape, my client has put a lot of money into this design, and we believe has made good of an existing situation.

The drawing proposed and attached was different as the committee wanted this application to be put in for the October only difference are the window pervasion /scale and the loft into the side hip also the materials used

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee:	Area Planning Sub-Committee	Date:	Wednesday, 28 September 2022
Place:	Council Chamber, Civic Offices, High Street, Epping	Time:	7.00 - 8.25 pm
Members Present:	Councillors S Patel, I Allgood, R Baldwin, E Gabbett, J Jogia, H Kauffman, A Lion, L Mead, M Owen, Caroline Pond, C C Pond, K Rizvi, D Sunger and D Wixley		
Members Present (Virtually):	Councillors S Heap		
Apologies:	K Williamson, R Brookes, R Jennings, J Jennings, S Murray and A Patel		
Officers Present:	G Courtney (Planning Applications and Appeals Manager (Development Management)), R Perrin (Democratic and Electoral Services Officer) and A Buckley (Higher Level Apprentice (Internal Communications))		
Officers Present (Virtually):	J Leither (Democratic Services Officer)		

56. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

57. DECLARATIONS OF INTEREST

- a) Pursuant to the Council's Members' Code of Conduct, Councillors A Lion and K Rizvi declared a non-pecuniary interest in the following item of the agenda by virtue of knowing the neighbour to the rear of the application. The Councillors had determined that they would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2954/21 – 1 Grange Crescent, Chigwell, IG7 5JB

58. MINUTES

RESOLVED:

That the minutes of the Sub-Committee held on 31 August 2022 be taken as read and signed by the Chairman as a correct record.

59. ANY OTHER BUSINESS

It was noted that there was no urgent business for consideration by the Sub-Committee.

60. EPPING FOREST DISTRICT COUNCIL PLANNING POLICY BRIEFING NOTE (OCTOBER 2021)

It was noted that the Epping Forest District Council Planning Policy Briefing note was available at:

<https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/10/Planning-Policy-Briefing-Note-06-October-2021-accessible.pdf>

61. SITE VISITS

There were no formal site visits requested by the Sub-Committee.

62. PLANNING APPLICATION - EPF/0935/20 UNIT 20, OAKWOOD HILL INDUSTRIAL ESTATE, LOUGHTON IG10 3TZ

Application Ref: EPF/0935/20

Application Type: Full planning permission

Case Officer: Marie-Claire Tovey

Site Address: Unit 20

Oakwood Hill Industrial Estate

Loughton

IG10 3TZ

Proposal: Proposed new 4 storey office building and associated parking.**
SAC CASE HELD IN ABEYANCE NOW PROGRESSING**

Ward: Loughton Alderton

Parish: Loughton

View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Ny8c>

Decision: Deferred

Due to issues coming to light with regards to land ownership, this application was not discussed and instead will be presented to a future District Development Management Committee".

63. PLANNING APPLICATION - EPF/2954/21 1 GRANGE CRESCENT, CHIGWELL IG7 5JB

Application Ref: EPF/2954/21

Application Type: Householder planning permission

Case Officer: Muhammad Rahman

Site Address: 1 Grange Crescent

Chigwell

IG7 5JB

Proposal: Application for Variation of Condition 2 for EPF/2061/20. (Double side, double rear extension with alteration to the roof).

Ward: Grange Hill

Parish: Chigwell

View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NxIY>

Decision: Refused

Reasons: (2)

- 1 The proposed inset balcony would result in significant and unacceptable levels of overlooking and loss of privacy to neighbouring properties, contrary to policy

DBE9 of the Adopted Local Plan and Alterations, policy DM 9 of the Submission Version Local Plan (2017), and the guidance contained within the National Planning Policy Framework.

- 2 The proposed inset dormer window would be an incongruous addition detrimental to the character and appearance of the dwelling and the surrounding area, contrary to policy DBE10 of the Adopted Local Plan and Alterations, policy DM 9 of the Submission Version Local Plan (2017), and the guidance contained within the National Planning Policy Framework.

Informatives: (2)

- 3 The Local Planning Authority has identified matters of concern within the officer's report and clearly set out the reason(s) for refusal within the decision notice. The Local Planning Authority is willing to provide post-application advice in respect of any future application for a revised development.
- 4 This decision is made with reference to the following plan numbers: 01 OS 01, 01 PA 02, 01 HH 03, 01 B 01, and 01 MA 03 Rev 4.

64. PLANNING APPLICATION - EPF/0236/22 76 ALGERS ROAD, LOUGHTON IG10 4NF

Application Ref: EPF/0236/22
Application Type: Full planning permission
Case Officer: Marie-Claire Tovey
Site Address: 76 Algiers Road
 Loughton
 Essex
 IG10 4NF
Proposal: Demolition of existing dwelling & replacement with a new building containing x6 no. flats (Revision to refused application EPF/0861/21).
Ward: Loughton Forest
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NyR4>
Decision: Refused

Reason: (1)

- 1 Due to the sixfold increase in the number of dwellings proposed, the Council as Competent Authority cannot be certain that harm will not be caused to the Epping Forest Special Area of Conservation, contrary to policy NC1 of the adopted Local Plan and Alterations, policies DM2 and DM22 of the Submission Version Local Plan (2017), the Habitats Regulations 2017, and the Holohan Judgment.

Informatives: (2)

- 2 The Local Planning Authority has identified matters of concern within the

The Parish Council originally objected to this application on the grounds "The Council OBJECTS to this application due to the height of the railings being too high"

The Council also considered this to be the case and refused the application on the grounds of the height of the railings, that the proposal was not in keeping with the street scene given no neighbouring properties have gates and/or railings of this nature and it would adversely impact on the street scene and the local area.

On reviewing the applications grounds for appeal, the Parish Council makes the further comments:

The applicant states, "There are a number of front boundaries which exceed 2m". What is not made clear is that these are all hedges or natural barriers of trees. There are no artificial boundaries of this height or anything approaching it in Grange Crescent.

The applicant describes the proposal as, "Extremely unintrusive to the street scene". EFDC do not agree, having refused the application on the grounds it is detrimental to the street scene. Chigwell Parish Council support the decision of EFDC and agree the proposal is detrimental to the street scene.

The applicant states, "the area has seen a sharp rise in crime in recent years, particularly in such areas as car theft (from outside the home) and other issues as burglary and break ins"

Official police statistics show this is not correct. Overall burglary and break ins in Chigwell have dropped over the past few years. The website [police.uk](https://www.police.uk) shows that in the period Jan 2022 to April 2023 there was one reported crime in Grange Crescent, a vehicle crime in November 2022

By comparison, in the period May 2020 to Dec 2021 there were four vehicle crimes. The result of the local police campaign advising vehicle theft prevention measures has been effective.

No burglaries were reported during the entire period. During the same time there were five violent and sexual crimes (most commonly domestic violence) reported in Grange Crescent. This is the most significant crime in Chigwell, being 37.9% of all reported crime in Chigwell in the past three years. It is a concern that the gating off of properties may leave vulnerable occupants at risk. Therefore it is not agreed that erecting gates will reduce crime thus the erecting of gates does not comply with Local Plan DM9 1 (v) or NPPF 130 (f)

The police have advised both the Council and residents that the most effective deterrent against car thieves is not gates, which are easily bypassed and opened, but in ground posts (as well as secure storage of keys). The householder would be better compliant with Local Plan DM9 1 (v) or NPPF 130 (f) by installing this option, as have many in the area on the police's advice, if car theft is a concern.

The applicant states, "There were no concerns or objections raised by neighbours". The Planning Officer's report makes clear this was not the case and concerns and objections were received from 24 Grange Crescent.

It is hoped that the Planning Inspectorate refuse this appeal

EFDC Householder & Other Minor Applications Check List

Application Details & Constraints					
Case Ref:	EPF/0179/23	PL No:	030761		
Site Address:	26, Grange Crescent, Chigwell, IG7 5JB				
Proposal:	Proposed New Front Garden Railings				
Green Belt	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	TPO (Veteran Trees)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Conservation Area	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Heritage Asset (Listed)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Flood Zone	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Enforcement	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Representations					
Town/Parish Council Comments, if any: Gates are too high.					
Objection	<input checked="" type="checkbox"/>	No Objection	<input type="checkbox"/>	Comment	<input type="checkbox"/>
None Received		<input type="checkbox"/>			
Neighbour Responses, if any:		24 Grange Crescent – Objection – Summarised as: <ul style="list-style-type: none"> Loss of mature tree Out of character Inaccurate Plans re Trees/Hedges Other comments on non-planning merits. 			
Planning Considerations					
Character and Appearance: I note the concerns raised by the neighbour, however, the walls proposed to both side walls at some 2m high can be carried out under permitted development, only the front wall requires it as its higher than 1m. On this note, whilst the end design consisting of railings without any brick piers/walls etc, will not appear visually oppressive within the street scene compared with a solid wall. However, the proposed height at 2m is excessive. Thus, it is considered that the proposal does not complement the setting of the host house, nor the street scene. Consequently, it would have a harmful effect to the character and appearance of the area. A couple examples have been quoted, specifically No's 3 & 18, however, there is no record of the development being carried out with the benefit of a Planning Permission.					
Acceptable	<input checked="" type="checkbox"/>	Unacceptable	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Neighbouring Amenities: No harm is envisaged on neighbouring amenities.					
Acceptable	<input checked="" type="checkbox"/>	Unacceptable	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Green Belt:					
Acceptable	<input type="checkbox"/>	Unacceptable	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Highway Safety/Parking: This a non-classified road and the proposed works would not cause undue harm to the safety operation of the highway network.					
Acceptable	<input checked="" type="checkbox"/>	Unacceptable	<input type="checkbox"/>	N/A	<input type="checkbox"/>

EFDC Householder & Other Minor Applications Check List

Trees and Landscaping: I note the concerns re the impact on trees/hedges, however they are not afforded any legal protection so they do not require any consent to be taken down. Also, the Councils Tree Officer has not raised an objection to this subject to a recommended condition.

Acceptable <input checked="" type="checkbox"/>	Unacceptable <input type="checkbox"/>	N/A <input type="checkbox"/>
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Comments on Representations, if any: Comments re access/maintenance are not planning matters, and the submitted plans are acceptable to determine the application i.e., it is clear what is being proposed.

Additional Notes:

Officer Recommendation:	Approve <input type="checkbox"/>	Refuse <input checked="" type="checkbox"/>
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Site Address : 26 Grange Crescent
Application Type : Householder Planning Permission
Application : Ref EPF/0179/23
Proposal : Proposed New Front Garden Railings

Note : An earlier application [EPF1761/20] was made in 27/08/2020 for a Double storey rear and side extension. Alterations to front elevation, including front porch and balcony, and loft conversion.

This was approved by the Local Authority on 12/11/2020.

The Local Authority's refusal of the current application is based on three policy clauses as follows: -

LOCAL PLAN : Policy DM9

This policy refers to high quality design.

In essence, this requires any development to be of high quality to reflect the surrounding area's characteristics. There are also numerous other requirements, such as - including minimising the effects of climate change whenever possible and reducing the risk of crime.

NATIONAL PLANNING POLICY FRAMEWORK : Para 126 & 130.

This policy again refers to high quality design.

As above, these policies seek to ensure good design.

These refer to requirements that are in many ways similar to those in the above Local Plan.

In many respects, the various requirements of the policies have already been met within the original application EPF1761/20, which was approved in 2020.

I have therefore addressed those issues that are pertinent to the railings, rather than the development as a whole. In essence these are: -

- The height and style of the railings and their impact on the street scene.
- The reduction of the risk of crime.

Grounds of Appeal

The main area of contention is the height of the railings, which the Local Authority considers to be excessive. They have also said that the design would not complement, or enhance, the setting of the host house, or the general street scene.

However, generally the surrounding area has a very mixed and varied treatment of the front boundary that can be seen from the public right of way.

There are a number of front boundaries that exceed two metres in height, both close to number 26, and others further afield. There are also properties that have no front boundary wall at all, properties that have low walls with shrubbery above and properties with lower railings.

There are several instances of high brick walls or fences that form the boundaries of corner houses and whilst these are not front boundary walls, they have a direct impact on the street scene as they are located on the pavement boundaries rather than between houses.

It should also be noted that there are no solid brick piers or supports within the length of the proposed railings. This means that visually they remain very subservient to the main house and extremely unintrusive on the street scene.

Sight lines for drivers are not an issue in this case, as the property is not situated on a corner, or a position that would interrupt a driver's view.

The railings to the sides can be 2.000M high in any event and I would suggest that lowering just the front would detract from the aesthetic. In my view, these railings will not detract from the setting of the host house in any way and would provide a boundary that maintains a high design standard.

Please see photographs of various houses within the same road attached in Appendix **A**.

I would also like to record that the planning officer dealing with the application felt that the design of the proposed railings was not an issue. It would appear that the only issue identified as a problem was the proposed height being in excess of 1.5M high. Whilst I would fully understand a reluctance to approve a brick wall at a height of 2.0M; I really do not understand why something so unsubstantial as railing would be a problem.

Please see an e-mail from the relevant Planning Officer dealing attached in Appendix **B**.

Whilst the Local Authority do not directly refer to crime prevention in their refusal, it should be noted that this issue of security is the primary reason for the height of the proposed railings.

Local Plan DM9 sub clause 1 (v) specifically mentions the reduction of crime as a requirement that should be met.

NPPF 130 sub clause (f) also require that applications should ensure crime prevention measures are adopted.

This area has seen a sharp rise in crime in recent years, particularly in such areas as car theft (from outside the home) and other issues such as burglary and break ins.

The installation of slightly higher railings will make any attempted break-in less likely and also engender a feeling of safety and security for the occupiers of the property.

I have attached a list of various recent criminal activity in the form of extract from the Grange Crescent 'WhatsApp' group relating to a number of attempted thefts. Please note that not all residents are members of the group and not all incidents are recorded.

Conclusion

The proposed design is in my view a good standard of design and will not be intrusive in the street scene.

Because of the lack of brickwork or stonework at any point on the front elevation the proposed railings will always be visually subservient to the main house.

The railings will also meet the requirements of Local Plan policy DM9 1 (v) & NPPF 130 (f) in helping to reduce crime and will result in the occupiers and adjoining residents feeling more secure within their immediate surroundings.

There were no concerns or objections raised by the neighbours, during the consultation process carried out by the Local Authority.

I therefore request that this appeal should be upheld.

A large black rectangular redaction box covering the signature area.

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George E Peachey 24/04/2023