

Our Ref: EPF/0975/19

**TOWN AND COUNTRY PLANNING ACT 1990**  
**Town and Country Planning General Development Orders**  
**PLANNING DECISION NOTICE**



**Planning Services Directorate**  
Civic Offices,  
323 High Street,  
Epping,  
Essex CM16 4BZ

An electronic version of this  
decision notice is available  
on our website:  
[www.eppingforestdc.gov.uk/iplan](http://www.eppingforestdc.gov.uk/iplan)

Case Officer was: SAC - Held in

Direct Line:  
Email:  
[contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)

To: Mr Oleg Kovalenko  
11 Crossfields  
Loughton  
Essex  
IG10 3PY

**Proposal:** Erection of a single storey rear extension and erection of a new attached dwelling, following demolition of existing garage.

**Location:** 11 Crossfields, Loughton, Essex, IG10 3PY

In pursuance of the powers exercised by the Local Planning Authority this Council do hereby give notice of their decision to **REFUSE PERMISSION** for the development described above, for the reasons listed below.

**Signed**

A handwritten signature in black ink, appearing to read 'N. Richardson'.

N. Richardson  
Planning Services Director.

**Date:** 03 November 2021

**Reasons for Refusal**

1

The Council cannot be certain beyond reasonable scientific doubt that the proposed development either alone or in combination with other developments within the district will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. Also, in the absence of an appropriate legal agreement to mitigate such adverse impacts, the proposed development is therefore contrary to Policies DM2 & DM22 of the Local Plan Submission Version 2017, Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.

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- 2 By reason of the intensification of residential use at the site and cramped nature of the development, infilling an open aspect in an otherwise compact street scene, the proposal would have a poor appearance, harmful to the character and appearance of the locality. Moreover, it would result an inappropriately intense use of the application site within the context of a street already experiencing intense use of on-street parking. The development is therefore likely to be harmful to the character and visual amenities of the locality and amount to an undesirable precedent for permitting similarly harmful development in the surrounding area with the cumulative effect of exacerbating the harmful consequence of the proposal. Accordingly, the proposed development is contrary to Policies CP2 (iv), CP7, DBE1, DBE11 & ST4 of the adopted Local Plan 1998 & 2006, Policy DM9 & T1 of the Local Plan Submission Version 2017, and the NPPF 2021.

**Informatives:**

This decision is made with reference to the following plan numbers: EX1.1, EX1.2, EX2.1, AP1.1, AP1.2, AP1.3, AP2.1, AP2.2, AP2.3, and AP2.4.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

**NOTES RELATING TO PLANNING APPLICATIONS TOWN AND COUNTRY PLANNING ACT 1990**

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, he may appeal to the Secretary of State for Communities and Local Government, in accordance with Section 78 of the Town and Country Planning Act 1990. If an Enforcement Notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the Local Planning Authority's decision on your application, then you must do so within 28 days of the date of the Enforcement Notice or within 6 months of the date of this notice, whichever period expires earlier. In all other cases, if you want to appeal then you must do so within 6 months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel: 0303 444 5000, or online at the following website: [www.planningportal.gov.uk/pes](http://www.planningportal.gov.uk/pes)) The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of any development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him. There is no time limit for appealing against a decision relating to a Certificate of Lawful Use or Development.
2. If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for Communities and Local Government and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of an application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning

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Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK.