

*This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to the Constitution, Part 3: Scheme of Delegation to Officers from Full Council).*

### **Description of Site:**

The application site comprises of a two storey detached dwelling with a detached garage on the south west of the side of the subject dwelling and there is approximately 4.3 metres distance between the main house and the garage. The application site is located at the end (north side) of Powell Road which is a cul-de-sac. The applicant site is situated in the built up area of Buckhurst Hill. The amenity area of the site is mainly to the side/west elevation of the dwelling and the rear garden is of limited size and depth. The building comprises of 2 no. large flat roofed dormers to its front and rear elevation. The rear garden is adjacent to Green Belt land; however the site is not with the Metropolitan Green Belt and is not within the curtilage of a Conservation Area or a Listed Building.

### **Description of Proposal:**

This proposal seeks permission for conversion of the detached garage into a habitable space.

### **Relevant Planning History:**

EPF/1572/19 - Proposed two storey side extension. Grant Permission (With Conditions)

EPF/1108/74 - Two-storey side extension and detached garage. Grant Permission (With Conditions)

### **Policies Applied:**

Development Plan Context

Local Plan (1998) and Alterations (2006)

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
DBE9	Loss of amenity
DBE10	Design of Residential Extensions

National Planning Policy Framework (February 2019)

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 sections of the NPPF are considered to be of relevance to this application:

Section 12.

Epping Forest District Local Plan Submission Version (2017) (LPSV)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14 December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. The appointed Inspector has indicated an intention to provide advice to the Council by 12 July 2019; this advice will be given without prejudice to the Inspector's final conclusions.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

<b>Policy</b>	<b>Weight afforded</b>
SP1 - Presumption in Favour of Sustainable Development	Significant
DM9 - High Quality Design	Significant

**Consultations Carried Out and Summary of Representations Received:**

Number of neighbours consulted: 3

Responses received: 1 objection from the no. 1 The Drive has been received. The occupiers of no. 1 object strongly to the proposal and state that the garage is halfway up their garden and is approximately 18 inches away from the shared boundary. This would feel like someone lives in their garden and prevents them from the enjoyment of their garden.

Site notice posted: N/A

BUCKHURST HILL PARISH COUNCIL: OBJECT to the proposal and have concerns that the conversion of the garage may be turned into a separate dwelling and future applications may be submitted to enlarge the building.

### **Planning Considerations:**

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the locality;
- b) The impact on the living conditions of neighbouring amenities;

### **Character and appearance:**

The existing garage will be converted into a habitable room. The height and the footprint of the garage will remain the same as existing. The garage door on the east elevation will be replaced with 1 no. casement window and a new window will be created on its west elevation. The north elevation of the garage will comprise of full height windows/doors and 2 no. casement windows. The garage conversion will include 3 no. roof lights.

Taking into account the above factors it is considered that the alterations will not have a detrimental impact on the garage itself, the main dwelling and the surrounding townscape. It is therefore considered that the proposal complies with Policy DBE10 of Epping Forest District Local Plan (1998) and Alterations (2006) and Policy DM9 of Epping Forest District Local Plan Submission Version 2017.

### **Living conditions of neighbours:**

As mentioned above the occupiers of no.1 The Drive, have raised objections to this proposal. The neighbouring property no. 1 is located to the south of the proposed development. No fenestrations have been introduced on this elevation apart from roof lights. There will be a distance of approximately 17.6 metres from the south elevation of the garage to the rear elevation of no. 1.

Therefore taking into account the separation distance and the siting of the garage, it is considered that the garage conversion will not give rise to material adverse impact in terms of loss of privacy, loss of light, overshadowing or overbearing impact to justify a reason for refusal of this application. The proposal therefore complies with Policy DBE9 of Epping Forest District Local Plan (1998) and Alterations (2006) and Policy DM9 of Epping Forest District Local Plan Submission Version 2017.

### **Other Matters Raised by 3rd Parties:**

As mentioned above the Parish Council have objected to this proposal. Their comments are acknowledged and as such a condition will be attached to the decision notice which prohibits the use of the garage as a separate dwelling.

**Conclusions:**

For the reasons outlined above, it is recommended that planning permission is granted for this proposal subject to conditions attached within the decision notice.