

Planning Department
Epping Forest District Council,
Civic Offices,
323 High Street,
Epping,
CM16 4BZ

Dear Sir/Madam,

RE: 17 High Elms, Chigwell, IG7 6NF

On behalf of the applicant, U. Chaudhary, DLP Planning Limited is pleased to submit a resubmission of a householder planning application for 17 High Elms, Chigwell, IG7 6NF.

Householder planning consent is sought for the following development:

“Single storey ground floor rear and side extensions.”

Site Context

The property is a two storey, detached brick and timber dwelling located on the edge of the built-up area of Chigwell. The property is some distance from the road and is accessed by a driveway approximately 30m in length.

To the north are the landscaped gardens of Forest House (Vicarage Lane) and bordering the site to the east and west are nos. 16 and 18 High Elms. The rear garden of the site borders Manor Road to the south.

Two small trees are located to the west of the dwelling, one a cypress in close proximity to and in contact with the neighbouring dwelling (T11) and a small cherry (T12) adjacent to the green house. Large oaks (T13 and T14) are located in the rear garden and a Holm oak (T15) is in the neighbouring garden adjacent to the rear left boundary. These three trees are subject to the TPO and are visible beyond the site boundaries. They have been subject to crown lifts and reductions in the past. A lime (T16) and Portugal laurel (T17) are on the boundary to the east of the dwelling. Both have been reduced in the past and are in contact with the fence at their bases.

Within the submitted Tree Survey Schedule produced by MWA Arboriculture Ltd (*ref: DEV211005-828*) the trees in question have been graded from “B1 to C2” category (as described with BS5837:2012 ‘Trees in relation to design, demolition, and construction – recommendations).

The site is not within the Green Belt or a Conservation Area.

Relevant Planning History

A search on the Council’s website shows the following planning history for the site, recorded on the database.

| Ref. | Proposal | Decision | Registered |
|-----------------|---|---------------------------------|------------|
| TPO/EPF/0029/77 | TPO/ESX/7/62. Lopping of 2 no. preserved oaks and felling of 1 no. preserved sycamore. | Unknown. | 10/09/1977 |
| TRE/EPF/1168/97 | Trees protected by TPO/17/91: Works to 2 Oaks as specified in amended application - 1/12/97. | Approved subject to conditions. | 10/09/1997 |
| EPF/1252/05 | First floor side extension incorporating balcony. | Approved subject to conditions. | 25/07/2005 |
| EPF/2282/08 | First floor extension incorporating balcony (renewal of planning approval EPF/1252/05) | Approved subject to conditions. | 01/12/2008 |
| EPF/1724/12 | New gates. | Approved subject to conditions. | 04/10/2012 |
| EPF/1021/14 | TPO/EPF/1021/14: T10 Oak - Fell and Replace. | Refused. | 19/05/2014 |
| EPF/1565/15 | TPO/EPF/17/91: T10 Oak (Your T3) - Crown lift on roadside to 6m for clearance by traffic and reduce spreading growth, as specified. T11 Oak (Your T1) - Selective spread reduction and crown lift to 6m as specified. T12 Holmoak (Your T2) - Prune overhang, as specified. | Approved subject to conditions. | 29/06/2015 |
| EPF/2415/15 | Retention of 2.6m high entrance gates. | Approved. | 19/04/2016 |
| EPF/2922/20 | Single storey ground floor rear and side extensions. | Refused. | 09/04/2021 |

Policy Context

National Planning Policy Framework (NPPF)

The NPPF was published on 19th February 2019. Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. Paragraph 47 of the NPPF reaffirms that planning law requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is an important material consideration. The following part of the NPPF is relevant to the consideration of the current proposals:

- Section 11 (Making Effective Use of Land)

Epping Forest District Council Local Plan and Alterations (2008)

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 and Alterations (2008).

The following part of the current Epping Forest Development Plan is relevant to the consideration of the current proposals:

- Policy LL10 (Adequacy of Provision for Landscape Retention)

Epping Forest Local Plan Submission Plan (2017)

The Epping Forest Local Plan Submission Plan was submitted for Independent Examination on various dates from February 2019 to June 2019.

Except for the circumstances set out in Paragraph 49 and 50 of the National Planning Policy Framework, Paragraph 48 states that local planning authorities may give weight to relevant policies in emerging plans according to:

- a. The stage of preparation of the emerging plan;
- b. The extent to which there are unresolved objections to relevant policies; and
- c. The degree of consistency of the relevant policies in the emerging Plan to the NPPF.

The following policies in the Epping Forest Local Plan Submission Plan 2017 are considered to be of relevance to the determination of this application:

- Policy DM3 (Landscape Character, Ancient Landscapes and Geodiversity); and
- Policy DM5 (Green and Blue Infrastructure).

Proposed Development

The resubmitted planning application proposes a scheme involving the creation of a rear and side extension to extend the footprint of the existing structure. The existing footprint will expand to both left and right. The building will extend further to the rear, but the central patio area will be slightly reduced. Proposed extensions will be single storey.

The additional footprint would create on the ground floor, to the southeast of the property, an office space and extended lounge with access to curtilage of the property through a bi-folding door. To the southwest, the creation of a playroom/gym room with a door and steps also accessing the curtilage including an extended lounge/dining area and similarly, a bi-folding door.

The extensions would use 300mm thick brick and uPVC for new doors and windows to match the materiality of the existing building.

Previously Refused Application

Application History

The original planning application (*ref: EPF/2922/20*) was registered by Epping Forest District Council on the 9th April 2021 with consultee comments until 1st May 2021. On the 21st April 2021, a response was received from a Tree Officer from Epping Forest's Trees and Landscape department who objected to the submitted application on the grounds that the proposal was contrary to Policy DM5 of Epping Forest's Local Plan Submission Plan 2017.

It was identified that the proposed development was to be within the calculated rooting areas of both

T14 and T15, “B” category and TPO’d trees. In addition, as per *Drawing No. D09 REV1 (Section A-A) and D10 REV1 (Section B-B)*, the foundational design uses a below ground beam which was considered by the Tree Officer to result in root severance and root loss to at least the extent of the proposed extensions. This foundational design would not provide an adequate technical solution to demonstrate the overriding justification for construction within the Root Protection Areas (RPA) as per British Standard BS5837 recommendations.

In addition, the plans did not show the extent of the patio that would be proposed outside from where the two proposed bi-folding doors would lead onto the garden area. It was expected that the impact as a result of the patio would be greater than what has been described within the submitted Arboricultural Survey Report by Wright Landscape and Arboriculture Ltd (*ref: WLA/2021/17/TSR & WLA/2021/17/AIA*) as it was not included in the drawings to be assessed during its drafting.

Finally, the Tree Officer also had concerns regarding the “future liveability” of the property due to the presence of large trees at close proximity to dwellings due to apprehension by current/future residents that the trees might fall and hit their house, or that they are overbearing on their house as per British Standard BS5837 recommendations.

As a result of the above, additional amended drawings to supersede the original drawings were sent for the Tree Officer’s review on the 4th May 2021. The revisions attempted to rectify the Tree Officer’s concerns by revising the drawings for an above ground beam for its foundational design and showing steps leading to the garden from the large bi-folding doors as per *Drawing No. D09 REV2 (Section A-A)*.

After the Tree Officer’s review, their comments dated 13th May 2021 stated that the revisions to the ground beam for the extensions were acceptable. However, the steps to the garden are shown with no foundations. The steps would require this and given that they are within the rooting areas of the TPO’d trees, it was once again reasonable to expect that this impact would be greater than what has been described within the submitted Arboricultural Survey Report by Wright Landscape and Arboriculture Ltd (*ref: WLA/2021/17/TSR & WLA/2021/17/AIA*) as it was not included in the drawings to be assessed during its drafting.

Refusal Reasons

The Tree Officer from Epping Forest’s Trees and Landscape Department took the opinion that the accompanying tree information and plans did not satisfactorily demonstrate that the proposed extensions would not result in harm to the protected trees on the site which contribute to the visual amenities of the locality.

Furthermore, it was considered that if the application were to be approved, that the development would result in future pressures for the removal or excessive pruning of the trees, given the proximity to the development.

Ultimately, the planning application (*ref: EPF/2922/20*) was refused on the 17th May 2021.

Assessment of Scheme

Impact on TPO Designated Trees

Section 11 (Making Effective Use of Land) of The Framework states that planning policies and decision should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Policy LL10 (Adequacy of Provision for Landscape Retention) of Epping Forest's District Council Adopted Local Plan and Alterations (2008) states that the Council will refuse to grant planning permission for any development which it considers makes inadequate provision for the retention of trees.

Policy DM3 (Landscape Character, Ancient Landscapes and Geodiversity) of Epping Forest's Local Plan Submission Plan 2017 outlines that development proposals that are able to demonstrate that there is no direct, indirect or cumulative harm to landscape character. Proposals should:

- i. *"Be sensitive to their setting in the landscape, and its local distinctiveness and characteristics."*

Policy DM5 (Green and Blue Infrastructure) of Epping Forest's Local Plan Submission Plan 2017 reinforces the above by requiring the following for all planning applications:

A. *"Development proposals to demonstrate that they have been designed to:*

- i. *retain and where possible enhance existing green infrastructure, including trees, hedgerows, woods and meadows, green lanes, wetlands, ponds, and watercourses; and*

B. *Development proposals must be accompanied by sufficient evidence to demonstrate that:*

- ii. *the retention and protection of trees (including veteran trees), landscape features of habitats will be successfully implemented in accordance with relevant guidance and best practice."*

As Epping Forest District Council sees green infrastructure as a critical part of the future of the District, the Development Plan seeks to effectively protect veteran trees and hedgerows from the impacts of proposed developments. The expectation is that new developments will consist of high-quality design that carefully incorporates the proposed with the existing. As such, such particular emphasis is needed to ensure that existing green infrastructure assets are respected.

The proposed development falls within the Root Protection Areas (RPA) of retained Tree Preservation Order (TPO) trees T14, T15, T16 and T17 as per the accompanying Tree Survey Schedule (*ref: DEV211005-828 MWA TSS 01*). In the case of T15, T16 and T17, it is considered the level of disruption is minimal and British Standard BS5837 provides guidance on the assessment of trees in the context of development and sets minimum standards for protection of retained trees on development sites.

Recommendations within British Standard BS5837 documents are not law. They provide guidance on the assessment of trees in the context of development and sets minimum standards for protection of retained trees on development sites and aid Local Planning Authorities which require the submission of supporting documents, as is the case with the application in question. The accompanying Arboricultural Assessment satisfies this requirement in line with Policy DM5 (Green and Blue Infrastructure) of Epping Forest's Local Plan Submission Plan 2017.

Above Ground Impacts

The default position is that structures defined in BS5837 are to be located outside of RPA's of trees to be retained. However, where there is an overriding justification for construction within the RPA, technical solutions should be put forward that *"demonstrate that the tree(s) can remain viable, and that the area lost to encroachment can be compensated for elsewhere, contiguous with its RPA."*

In the previously refused application (ref: EPF/2922/20), as per Drawing No. D09 REV2 (Section A-A), the foundations for the proposed extensions, were as accepted, above ground beam type foundations. However, the Tree Officer had issues with the proposed garden steps, in which they were shown without any sort of foundation. The Officer stated that this structural detail is required, considering the require proposed foundations would be within the rooting areas of TPO'd trees, *"it would be expected that the impact on the trees to be greater than what is described within the accompanying Arboricultural Assessment"*.

As such, the amended design as per Drawing No. STR04 (Proposed Sections) which accompanies this resubmitted householder application, makes sure to mitigate for the lack of step foundations by proposing above ground raft foundations for the steps at the front which are to be placed on the ground surface. The area that would be occupied by these rafts is small and occupies a smaller area than would be newly exposed by removal of the old patio. There would be some disruption to the rooting environment, but loads would be static and in the case of the central steps, would be located below the area of the existing patio. New impacts would therefore be limited primarily to the rear of the rear extension on the west side which is largely outside RPAs. This foundational design will ensure that there will be no intrusion into the ground to impact the rooting areas detrimentally and to minimise potential damage to the rooting environment.

The new above ground foundational elements have been reviewed by a newly appointed Arboriculturalist, MWA Arboriculture Ltd who prepared an Arboricultural Appraisal Report (ref: DEV211005-828 MWA AAR 01) to identify trees that would form a constraint to development, those trees that would need to be removed, assess impacts from the proposals and define measures to assist in the long term retention of retained tree stock as per MWA Arboriculture's Tree Survey Schedule (ref: DEV211005-828 MWA TS 01). MWA's assessment of the proposed scheme is shown in the Tree Protection Plan (ref: DEV211005-828 MWA TPP 01) which considered tree location, ground conditions, likely root morphology, current dimensions, future growth and the proposed setting. The tolerance of the trees to disturbance based on species, age, condition, and the presence of surrounding trees and/or built form is also considered.

It was concluded that there was an identified need for tree pruning enabling works to T14 and T15 to accommodate construction and to ensure adequate for development. TG1 will also need to be lifted to ensure sufficient room for access below the canopies. Tree works are to be agreed at the pre-start meeting. Pruning has been proposed to increase offsets to reduce the likelihood of damage to the tree during construction, but if sufficient care is taken during construction this could be omitted as the tree is currently well clear of the proposed extension which includes the provision of protective fencing. Issues surrounding shading and the pressure for future tree works/removals are not judged to be significant.

The sequencing of works and supervision has been split into four phases to ensure no detrimental impact will occur to the trees as a result of the construction of the extension:

1. Phase 1a (Pre-Start): A meeting to cover installation of tree protection mitigation, operating rules, scope of tree works, phasing and landscape operations;
2. Phase 1b: Enabling works prior to practical start to be inspected by Arboriculturist to include Tree Works and Protective Fencing as per MWA TPP 01;
3. Phase 2 (Construction/Monitoring); and
4. Phase 3 (Practical Completion and Landscaping)

Below Ground Impacts

The proposed development does infringe the root protection areas of retained trees. The extensions will be installed using a ground beam to minimise potential damage to the rooting environment. The proposed beam will be supported on piles. Ground protection is shown to permit a piling rig access to the area. The proposed pile heads will be excavated manually and under direct arboricultural supervision.

Threat from indirect damage and impacts on the rooting environment of retained trees is addressed, where practicable, by erection of protective fencing in accordance with the accompanying Arboricultural Method Statement (*ref: DEV211005-828*). This was an important factor as the previously refused application did not mitigate for this. The importance was to protect the ground within the RPA's from damage and compaction the as a result of vehicular and pedestrian movements during development and this will involve the installation of temporary ground protection and protective fencing as indicated on the TPP (*ref: DEV2110005-828 MWA TPP 01*). It is considered that this should be an acceptable solution for this concern. If further tree protection measures and arboricultural monitoring during construction is required, such measures could be secured by condition following grant of approval.

Given that the steps would have no to minimal impact over the existing patio combined with a reduction in area of said patio, it is considered that the extension and the proposed steps, with a revised above ground foundational design, are to be in accordance with Epping Forest' District Council Adopted Local Plan and Alterations (2008) Policy LL10 and Epping Forest Local Plan Submission Plan 2017 Policies DM3 and DM5.

Future Liveability / Pressure for Removal or Excessive Pruning

Section 5.3 of the British Standard BS5837 recommends for consideration to be given to potential trees that face future pressure for removal or excessive pruning due to the presence of large trees, at close proximity to dwellings, as a result of potential apprehension by current and future residents that the trees may fall, hit their house or be overbearing on their property.

Whilst the Tree Officer's comments are noted in the previous application's reasons for refusal, it is of the opinion that the notion put forward is rather subjective in nature. The apprehension that is meant to come from current or future residents has no substantial weight attached to the statement as the current applicants are looking to obtain permission to build extensions minor in nature to their dwellinghome for the additional enjoyment of the property. The application would not be submitted if an element of apprehension were to be the case. The applicant has also expressed a desire to retain the trees and is happy to allow the crowns to develop over the roof of the extensions. This would only require the existing crown lift over the garden to be repeated to ensure that the trees do not strike the building.

The accompanying Arboricultural Appraisal Report by MWA Arboriculture Ltd (*ref: DEV211005-828 MWA AAR 01*) states that the issues surrounding shading and the pressure for future tree works/removals are not judged to be significant. The trees are already lifted and reduced from the existing building and the proposed extensions would sit below the existing canopies. In the case of tree T14, pruning has been proposed to increase offsets to reduce the likelihood of damage to the tree during construction, but if sufficient care is taken during construction this could be omitted as the tree is currently well clear of the proposed extension.

Additionally, tree T13 has already been crown lifted over the subject garden to 6.5m in the past but is also lifted over the adjacent dwelling to 8.5m. This establishes that trees can exist in close

proximity to dwellings in this area without pressure to have the tree removed.

Finally, the property as existing, is surrounded by large trees. The proposed extensions if approved, will not change that from being the case. Any prospective occupant prior to purchasing or renting the property would already have had to take this factor into consideration prior to agreeing to occupy it. Thus, by inhabiting the property, it would reflect a lack of apprehension from the residents toward the trees falling or being overbearing on the property. A new owner is just as likely to accept the juxtaposition of the trees and dwelling (which would be clearly apparent on viewing) as they are to object to the presence of a tree in close proximity to the dwelling in the existing context. Furthermore, a degree of shading is increasingly acknowledged to be desirable due to its cooling effect during warm summer conditions.

It is considered that the extension would not generate the potential for the surrounding trees to face future pressure for removal or excessive pruning as recommended by Section 5.3 of the British Standard BS5837.

Conclusion

To conclude, it is considered that it has been satisfactorily demonstrated that the proposal could be implemented without a detrimental impact on retained trees. The ground beam for the proposed extension's foundational design including foundational details for the steps leading from the bi-fold doors have all be designed to be above ground to ensure no root severance or root loss as a result. The amended foundational design would provide an adequate technical solution to demonstrate the overriding justification for construction within the Root Protection Areas (RPA) as per British Standard BS5837 recommendations. In addition, it is considered that the extension would not generate the potential for the surrounding trees to face future pressure for removal or excessive pruning as recommended by Section 5.3 of the British Standard BS5837.

Accordingly, the proposals should be given favourable consideration and supported by officers.

Supporting Information

For the purposes of clarity, the householder application consists of the following documents:

- Completed Application Form;
- Site Location Plan;
- Existing and Proposed Drawings;
- Arboricultural Appraisal Report by MWA Arboriculture Ltd (ref: MWA AAR 01);
- Tree Survey Schedule by MWA Arboriculture Ltd (ref: MWA TSS 01);
- Soft Landscaping Scheme by MWA Arboriculture Ltd (ref: MWA SLS 01); and
- Covering Letter (dated 27th October 2021) by DLP Planning Ltd;

List of Drawings Submitted

| Plan Name | Reference |
|----------------------------|------------|
| Existing Ground Floor Plan | 17HE-STR01 |
| Existing Elevations | D05 |
| Existing Elevations | D06 |
| Existing Roof Plan | D04 |

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|---|------------|
| Proposed Ground Floor Plan Showing Structure Above | 17HE-STR02 |
| Proposed Ground Floor Plan Showing Ground Beams and Piles | 17HE-STR03 |
| Proposed Sections | 17HE-STR04 |
| Proposed Elevations | D07 REV1 |
| Proposed Elevations | D08 |
| Proposed Roof Plan | D03 |
| Proposed Details 01 | 17HE-STR05 |
| Proposed Details 02 | 17HE-STR06 |
| Proposed Details 03 | 17HE-STR07 |
| Site Location Plan | D12 |
| Tree Protection Plan | MWA TPP 01 |
| Soft Landscaping Plan | MWA SLP 01 |

We trust that you have all the information that you require to have an understanding of the proposal in detail and to ensure the validation of the planning application in question. If you require any further information or would like to discuss the above in greater detail, please do not hesitate to contact me.

Yours sincerely,



Hector Melendez LLB (Hons.)
Associate Planner