

UTT/0629/07/FUL - HADSTOCK

(Referred by Cllr Chamberlain)

Erection of detached dwelling and garage. Construction of new vehicular access

Location: Land adj. Sargents Lane. GR/TL 557-446.

Applicant: Messrs D T C & G Rowlandson

Agent: Bird & Tyler Associates

Case Officer: *Mr N Ford 01799 510464*

Expiry Date: 05/06/2007

Classification: MINOR

NOTATION: Outside settlement limits. Conservation Area. Adjacent Grade II listed building.

DESCRIPTION OF SITE: The application site comprises a parcel of garden land currently used for the growing of vegetables. It is bounded by hedging on three sides except for the rear (western) boundary. A mature tree stands in the NW corner of the plot. There is a 2-storey, detached, Thatch and render dwelling at 'Bardsfield' to the south, and two storey thatch dwelling in similar style to the north at High House. There are three other dwellings sited to the north of the site – 2 off Sargents Lane, and Manor House fronting Walden Road. There are a number of sheds of wooden/corrugated iron construction on, and adjacent to the site. A wooded area of mature trees stands on the opposite side of the road to the east.

The Manor House, and Bardsfield are both Grade II listed. The site lies outside the Development Limits, but within the Hadstock Conservation Area.

DESCRIPTION OF PROPOSAL: The Full Application seeks planning permission for the erection of a dwelling. The design proposes a two storey thatched dwelling with rendered walls atop a brick plinth. A central brick chimney stack is proposed. Height to main ridge is 8.2m; widths are 5.5m (main section); and, 6.3m (side projection). A new vehicular access is proposed to be derived directly from Walden Road. Two of the sheds are proposed to be removed. A detached single garage of feather edged boarding construction atop a brick plinth, under a pantiled roof is proposed to be sited adjacent to the new dwelling.

APPLICANTS CASE (including Design & Access Statement): Additional information has been submitted with the application in the form of a letter stating that the proposal has been the subject of a previous application and subsequent meeting with the Case Officer in November 2006 following a previous refusal. Subsequent drawings forwarded to the Officers for informal comment elicited a response advising that it was unlikely that any objections would be raised to a revised proposal on design grounds. The applicants contend that the proposal meets the requirements of ULP Policy H3; that there was, until the mid-1960's, a dwelling on the site and that the proposal represents a replacement dwelling. The site is owned by the Rowlandson's, a long established Hadstock family, and the access has been moved to provide improved sight lines.

In addition, it is contended that the proposal which previously received strong support from the Parish Council adhere's to the Parish Council's previous conclusions in that:

- The thatched roof is in keeping with nearby houses;
- The profile is not too large;
- The dwelling would be in character with its surroundings; and,
- The house would be an improvement over the present wooden and corrugated sheds.

The applicants also contend that the proposal accords with current planning policy – in particular Local Plan Policies S7 and H3, and point out that paragraph 6.14 of the Local Plan allows for:-

'sensitive infilling of small groups of houses outside development limits but close to settlements....'
And state: 'No site could fit this clause better than this one'.

RELEVANT HISTORY: UTT/0929/98/FUL: Erection of two-storey dwelling and garage on land between Manor House and Bardsfield Cottage, Walden Rd. Hadstock – Refused – 14/10/98. On 18 July 2006 planning permission was refused for the erection of a new detached dwelling (UTT/0870/06/FUL).

CONSULTATIONS: County Surveyor: No objection subject to safeguarding conditions.

Water Authority: No comments received (due 2 May 2007).

Environment Agency: No objection subject to safeguarding advice.

Natural England: No objection.

Essex Wildlife Trust: No comments received (due 2 May 2007).

Design Advice: No objection on design grounds. The dwelling would not have an adverse impact on the character and setting of adjoining listed buildings or the character and appearance of the Conservation Area.

Campaign to Protect Rural Essex: No comments received.

Building Surveying: No objections subject to proposals meeting 'Lifetime Homes Standards'.

PARISH COUNCIL COMMENTS: No objections. The Parish Council considers that the proposal should be examined in the context of Policy S7 as there are no specific policies in the Local Plan for infilling outside Development Limits. The Parish Council considers that Paragraphs 6.13 and 6.14 of the Local Plan allow for exceptions to residential development in the countryside, and that the proposal represents sensitive infilling in a style in keeping with adjoining properties; on a good sized plot. Its 'Impact on the countryside' would be 'limited'. The removal of the wooden/corrugated iron sheds as a result of the development would improve the area. The proposed new access is adequate to serve the site.

REPRESENTATIONS: 7 Letters sent out. 2 letters of representation from the occupants of the neighbouring dwellings at 'Pippin Cottage' and 'Bardsfield' have been received. Both object to the proposal. The objections are summarised as:

- An application of a similar nature has previously been put forward and rejected.
- The development would fall within the green envelope, within which development should not be allowed under the Council's own rules.
- If the application had failed previously, whatever grounds it failed on would still exist today.
- To allow development within this 'green belt' land, would open the flood gates to further developments within a Conservation Area.
- There is no record of any derelict dwelling on the proposed building plot.
- Proposal is contrary to ULP Policy S7 which advises that 'planning permission will only be given for development that needs to take place or is appropriate to a rural area'. No special reasons for it to be located in the countryside have been given. Policy S7 is backed up by advice contained in paragraphs 2.2.8 which advises that outside development limits permitted uses are: "appropriate re-use of rural buildings, suitable farm diversification, outdoor sport and recreation uses, and affordable housing or other facilities to meet local needs"; and Paragraph 2.2.4 – which reads – 'where these (other villages) have development limits, those boundaries will be tightly drawn....Local affordable housing and community facility needs may be met on "exception sites" outside development limits'. The proposed dwelling does not fall within any of the above examples.
- As to whether the development "protects or enhances the particular character of the part of the countryside within which it is set" as required by Policy S7, is highly subjective. The proposed property will dominate its plot and will take away the loose knit character of this side of the village.

- The application insists that the site is not a Greenfield site but arguably a brownfield site. A brownfield site is defined as one that has been previously developed, or there is a permanent building; it **excludes** open spaces where the remains of previous uses have blended into the landscape. The application states that the building was wooden and apart from foundations no evidence of occupation remains, i.e. it has clearly blended into the landscape; therefore, the site is by definition Greenfield.
- The argument that the house would be an improvement over the present dilapidated sheds is subjective. 'Occupation' of the site ended in 1958. The site was obviously worth conserving as it stood in the 1970's. The Local Plan states in 5.5 that – "sometimes land may have been left in a state of untidiness but, nevertheless, the existence of the space may be important to the character of the locality.
- The proposal fails to comply with Local Plan Policy GEN2 in that it:
 - i) Is not compatible with the scale of surrounding properties;
 - ii) It would have a seriously adverse impact on the amenities of Bardsfield due to the 4 metres separation between dwellings which will have a seriously overbearing impact on Bardsfield;
 - iii) There is an increased concern over fire risk due to another thatched property being in such close proximity;
 - iv) There would be overlooking and loss of privacy as bedroom 2 of the new dwelling would overlook the breakfast room and rear patio area (which is private) of Bardsfield.
 - v) There will be a loss of daylight to Bardsfield which being a period property has small windows. This will lead to a reduction in ambient light in the breakfast room, kitchen, bedroom 3 and bathroom all of which face the site.

COMMENTS ON REPRESENTATIONS: See below.

NATIONAL PLANNING GUIDANCE

National Planning Guidance is provided by Central Government in the form of Planning Policy Guidance Notes and Planning Policy Statements (PPG's and PPS's).

Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) is of relevance in this case. Extracts from it are rehearsed below:

Key Principles

(iv) New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.

Housing

9. In planning for housing in their rural areas, local planning authorities should apply the policies in PPG3. They should:

(i) have particular regard to PPG3 guidance on the provision of housing in villages and should make sufficient land available, either within or adjoining existing villages, to meet the needs of local people; and

(ii) strictly control new house building (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in development plans.

10. Isolated new houses in the countryside will require special justification for planning permission to be granted. Where the special justification for an isolated new house relates to the essential need for a worker to live permanently at or near their place of work in the countryside, planning authorities should follow the advice in **Annex A** to this PPS.

11. Very occasionally the exceptional quality and innovative nature of the design of a proposed, isolated new house may provide this special justification for granting planning permission. Such a

design should be truly outstanding and ground-breaking, for example, in its use of materials, methods of construction or its contribution to protecting and enhancing the environment, so helping to raise standards of design more generally in rural areas. The value of such a building will be found in its reflection of the highest standards in contemporary architecture, the significant enhancement of its immediate setting and its sensitivity to the defining characteristics of the local area.

N.B. PPG3 was superseded by PPS3 'Housing' in November 2006.

PLANNING CONSIDERATIONS including Design & Access statement:

The main issues are whether

- 1) **the erection of a dwelling beyond development limits in the countryside is acceptable in principle (ESRP Policies C5, CS2, H2; & ULP Policy S7, H3 and H7 and PPS7);**
- 2) **the erection of a dwelling would preserve and enhance the character and appearance of the Conservation Area and not adversely affect the setting of a listed building (ESRP Policies HC2, HC3, ULP Policy ENV1, ENV2 and PPG15);**
- 3) **the proposal would result in any harm to the amenity of neighbouring properties by way of overlooking, overshadowing or overbearing effect (ULP Policy GEN2) and**
- 4) **the proposal would be detrimental to highway safety.**

1) The site lies outside the development limits for Hadstock, and in the countryside. ULP Policy S7 indicates that there will be strict control on new building and that planning permission will only be given for development that needs to take place there, or is appropriate to a rural area.

Para. 6.14 advises "There is no specific policy on infilling outside development limits because any infill proposals will be considered in the context of Policy S7. This says that development will be strictly controlled. It means that isolated houses will need exceptional justification. However, if there are opportunities for sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements these will be acceptable if development would be in character with the surroundings and have limited impact on the countryside in the context of housing development."

ULP Policy H3 indicates that new houses should be sited within Development Limits if the development would be compatible with the character of the settlement and, depending on the location of the site, the countryside setting. The argument that the site meets the criteria of 'windfall' sites as outlined in H3 also fails, as this Policy relates to development within Development Limits.

It is considered that the proposal fails to satisfy both these Policies S7 and H3 as there is no need for the dwelling in the countryside. It would be sited outside the recognised development limits for Hadstock, and it would be unconnected with agriculture, horticulture, or forestry.

It is not considered that this site is suitable as an infill plot. It is not considered to be a 'small gap in [a] small group of houses', but rather is a large space amongst this sporadic and loose-knit scatter of houses.

2) The design is considered to be generally in keeping with the adjoining thatched dwellings at Bardsfield and High House, it too proposes a dwelling with a thatched roof. The design has been altered since the previous refusal under Ref: UTT/0870/06/FUL and now features a central chimney stack. The proportions and detailing of the dwelling have been improved and it is considered that the proposal would not be harmful to the character and appearance of the Conservation Area or the character and setting of the adjoining listed dwellings at Bardsfield and High House.

However, the proposal would result in the loss of an open space and as such would be contrary to the provisions of ULP Policy ENV1 in that the open spaces within the Conservation area are often as important as the built form within the Conservation Area in that these spaces invariably form part of the setting of the wider area. In this context a dwelling is considered unacceptable.

3) There would be no direct overlooking of the front aspect of the adjoining thatched dwelling to the north at High House from bedroom 3 of the proposed dwelling. This has been designed out of the re-submission proposals. There would be no adverse impact on the amenities of occupants of this dwelling arising from overlooking and a loss of privacy.

The occupants of Bardsfield have raised concerns regarding the siting of the new dwelling; its relationship in that its proximity would be overbearing resulting in lower levels of ambient lighting to habitable rooms; and, with regard to a loss of privacy and amenity from overlooking.

The 'long' side elevation of the new dwelling would be sited approximately 7 metres from the side elevation of Bardsfield. It would be sited directly to the north of Bardsfield. It is noted that the site is on a slope and stands at a lower level than the dwelling at Bardsfield. This would reduce the impact of the new dwelling on Bardsfield in respect of any overbearing relationship. It is considered that there would be sufficient separation between the two properties at 7 metres distance, and situated to the north for there not to be an unacceptably adverse impact on the amenities of occupants of Bardsfield from the siting, and height and scale of the new dwelling. There would however, be overlooking from Bedroom 2 of the new property – this window which serves a small bedroom with no other source of natural light, would look directly toward the side elevation of Bardsfield. This would give rise to an unacceptable loss of privacy and amenity to occupants of Bardsfield and in this respect is unacceptable.

4) The applicants consider the proposal represents a replacement dwelling.

ULP Policy H7 states: 'A replacement dwelling will be permitted if it is in scale and character with neighbouring properties. In addition, outside development limits, a replacement dwelling will not be permitted unless, through its location, appearance and associated scheme of landscape enhancement it would protect or enhance the particular character of the countryside in which it is set.'

The Council's adopted Supplementary Planning Document 'Replacement Dwellings' states that "The Council will only usually grant planning permission for the replacement of buildings which are lawful, structurally unsound or poorly constructed".

The applicants advise that the previous dwelling on the site was occupied until 1958 when the then occupant, Mr Sidney Rowlandson died. The dwelling was demolished in the mid-1960's. No records of when the dwelling was last occupied, or when it was demolished have been submitted with the application. It is clear from the applicant's admission that no dwelling has existed on the site for 40 years. The Council's records comprising the 1921 Ordnance Survey Map at 1:2500 scale show no dwelling or other building on the site. Therefore, there is absolutely no merit in the argument that the proposal is for a replacement of this dwelling, and as such, the proposal is contrary to the provisions of ULP Policy H7, and adopted Supplementary Planning Document 'Replacement Dwellings'

CONCLUSION: The proposed development is unacceptable. It would be contrary to ULP Policies S7, and H3 in that the principle of residential development outside the development limits for Hadstock is not accepted. The proposal is also contrary to ULP Policy ENV1 as it would be harmful to the character and appearance of the Conservation Area. It would also result in development harmful to the amenities of Bardsfield contrary to ULP Policy GEN2.

RECOMMENDATION: REFUSAL REASONS

1. The application site lies outside the development limits for Hadstock, and in the countryside. Policies C5 and H2(5) of the Essex and Southend-on-Sea Replacement Structure Plan (2001), and Policy S7 of the Uttlesford Local Plan indicate that there will be strict control on new building in the countryside and that planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. Policy H3 of the 2005 Uttlesford Local Plan indicates that new houses should be sited within development limits if the development would be compatible with the character of the settlement and, depending on the location of the site, the countryside setting. In this case, no special reasons regarding the need for a dwelling to be erected on this site have been put forward, therefore, the erection of a dwelling on this site is unacceptable in the above Policy context.
2. The erection of a dwelling on this site is unacceptable as it would occupy a space that makes a positive contribution to the loose knit character of development in this part of the village. In this respect, its development would be harmful to the character and appearance of the Conservation Area. As such, the proposal would be contrary to the provisions of Policy HC2 of the Essex and Southend-on-Sea Replacement Structure Plan (2001), and Policy ENV1 of the 2005 Uttlesford Local Plan in that the open spaces within the Conservation Area are often as important as the built form within the Conservation Area in that these spaces invariably form part of the setting of the wider area.
3. The applicants advise that a previous dwelling on the site was occupied until the mid-1960's and was demolished sometime after that. Whilst there is no reason to doubt this assertion, no records of the existence of the dwelling; when the dwelling was last occupied; or, when it was demolished have been submitted with the application. It is clear that no dwelling has existed on the site for nearly 40 years. The Council's records comprising the 1921 Ordnance Survey Map at 1:2500 scale, show no dwelling or other building on the site, although the remnants of a dwarf wall running in an east/west direction from the sheds on the site indicate where such a structure may have stood. However, given the passage of time and the lack of any remaining habitable structure that any residential use has been abandoned. Therefore, there is no merit in the argument that the proposal is for a replacement of this dwelling, and as such, the proposal is contrary to the provisions of Policy H7 of the 2005 Uttlesford Local Plan, and adopted Supplementary Planning Document 'Replacement Dwelling'.
4. There would be direct overlooking of the side aspect of the adjoining thatched dwelling to the south at Bardsfield from bedroom 2 of the proposed dwelling. The wall to wall distance between properties would be approximately 8 metres. This would result in an adverse impact on the amenities of occupants of this dwelling arising from overlooking and a loss of privacy. As such, the proposed dwelling would be contrary to the provisions of Policy GEN2 of the 2005 Uttlesford Local Plan.

Background papers: see application file.
