

**UTT/1209/11/FUL – (LINDSELL)**

*(Call in request by Councillor Cant if recommended for refusal)*

**PROPOSAL:** Proposed two storey and single storey extensions and remodelling of facades to existing dwelling.

**LOCATION:** Lindsell House, Lindsell

**APPLICANT:** Mr & Mrs Thorpe

**AGENT:** Robert Crawford Associates

**GRID REFERENCE:** TL 638-282

**EXPIRY DATE:** 12 August 2011

**CASE OFFICER:** Mr C Theobald

**1.0 NOTATION**

1.1 Outside Development Limits / Listed Building adjacent.

**2.0 DESCRIPTION OF SITE**

2.1 The application site is situated within a rural position on the western side of the road leading through Lindsell from Church End to Richmonds Green and comprises a late 1970's constructed 4-bedroomed tiled, brick and rendered former agricultural workers dwelling with outbuildings set within large grounds. The site is positioned in a backland position behind a frontage dwelling and commercial studio and is accessed via a long gravel drive from the lane. A line of further frontage dwellings lie to the immediate north. The site originally comprised a poultry farm and a former poultry building still remains on the land. The ground within the site is uniformly level.

**3.0 PROPOSAL**

3.1 This application seeks planning permission for the erection of a two storey and a single storey extension to the existing dwelling together with basement and remodelling of the existing dwelling to provide extended accommodation to facilitate the applicants' son who has special needs, together with the internal reconfiguration of the existing dwelling layout.

3.2 The proposal would involve a two storey extension off of the dwelling's existing western flank elevation to create a frontage "crosswing" incorporating a two storey jettied front gable to mirror an adapted existing front gable with full height glazing in between and a return single storey rear wing incorporating ground to eaves height glazing. The roof of the existing dwelling would be re-profiled to create half hipped ends to match those of the extensions and clad in slate, whilst various fenestration changes would take place. Bedroom provision would be increased from four bedrooms at present to five. It is stated that the existing dwelling has an external footprint of 128.75m<sup>2</sup>, whilst the extensions would have a combined footprint of 197.98m<sup>2</sup>, therefore having a greater footprint than the size of the existing dwelling.

**4.0 APPLICANTS CASE**

4.1 The application is accompanied by the following documents:

- Supporting letter from applicants
- Design & Access Statement

- Letters in support of application from Callum Thorpe's doctor's surgery and The Thriftwood special needs school.

4.2 *Summary of applicant's case:* Our son, Callam has been diagnosed with autism and in particular Asperger's Syndrome. As a result, he leads a very isolated life within his "own world", although we have never given up hope that we could help him maximise his every potential to give him the best possible chance of a happy and meaningful life. Despite making early educational progress, his learning difficulties became more pronounced and it was obvious that our son would not be able to attend a mainstream school and now attends The Thriftwood School, which he attends daily and where his progress has been immense. However, it is clear that Callum is more than likely going to need adult supervision 24/7 for the rest of his life. With adequate support, our son can reach his full potential and live in "his own space", but only if discreetly supported by parents/siblings. Our wish is to give him over the next 10 years a home where he has access to his particular living requirements. Respite care is provided by our son's grandmother, although we have included a ground floor bedroom and bathroom for the proposed ground floor for the extension as she is in a wheelchair full-time. As our son becomes a young adult and our family life changes, our "lifetime solution" is that the eastern ground floor rooms would become a self-contained apartment for him, adapting the boot room into a kitchen and our son adopting the bedroom for himself. This would give him and us the privacy required whilst maintaining the support he always needs. The proposal option would therefore be better than housing our son in some form of "sheltered accommodation" with a warden etc for the rest of his life.

#### 4.3 *Design & Access Statement (summary):*

- Callum Thorpe requires familiarity, routine and repetition and his proposed accommodation needs have been designed to reflect this (both night time separation and daytime integration). To aid his recuperation, a room has been dedicated in the basement to be his occupational and physical therapy room. The proposal would enable the applicants to continue caring for their son at home without assistance. The Uttlesford Access Group supports the application and has provided a letter to this effect.
- Since the previously withdrawn application, we have sought to demonstrate the amount by which the existing house could be extended under permitted development. Application UTT/0626/11/CLP showed that the dwelling footprint could be increased from 123.97m<sup>2</sup> to 306.31m<sup>2</sup>, with an additional 15.2m<sup>2</sup> of extra footprint if a currently contested area of 54.67m<sup>2</sup> is excluded, giving a total footprint of 266m<sup>2</sup> (306.31m<sup>2</sup> - 54.67m<sup>2</sup> + 15.2m<sup>2</sup>)
- Case law shows that further permitted development allowances can be afforded increasing the footprint further to 292.27m<sup>2</sup> and 390.11m<sup>2</sup> respectively, a value which is far in excess of the footprint and volume of the current application extensions proposal. Schedule 2, Part 1, Class A seemingly allows for unlimited scope where a dwelling does not front a highway, which is the case with Lindsell House (backland) - see comparison footprint plan. Such development is likely to cause considerable harm to neighbouring amenity.
- The external appearance of the existing dwelling would be enhanced. The main east-west axis of the dwelling would be retained. No loss of residential amenity would occur.
- The landscape quality of the northern part of the settlement where the application site is located is not as high as to the south (Church End). Also, the existence of hedgerows helps to screen the dwelling from the road. The overall character of the site and surroundings should be more accurately described as being more suburban in appearance rather than open countryside.

#### 4.4 *Letter dated 6 December 2010 received from The Surgery, Margaret Street, Thaxted:*

Letter confirms that the applicant's son has autism and is likely to need adult support throughout his life.

#### 4.5 *Letter dated 10 December 2010 from The Thriftwood School, Galleywood:*

Letter states that the applicant's son attends a special school given his diagnosed disorder and that this severely impacts on his ability to communicate and interact with others, adding that he is dependent on adult support and will not be able to live independently or manage his own affairs. The letter further states that the proposed extension would enable the family to continue to live together and provide the necessary support, whilst also providing independent space through "forward thinking".

#### 5.0 **RELEVANT SITE HISTORY**

5.1 Planning permission granted in 1975 for agricultural workers dwelling at Lindsell Poultry Farm and in 1986 for retention of use of dwelling without compliance with agricultural occupancy condition. Permission refused in 2009 to convert a weatherboarded outbuilding at the site to form a residential dwelling with live/work element as the proposal represented a form of development that was considered to be inappropriate to a rural area, as the building was not of any architectural merit and as no special reasons had been demonstrated to justify why the development needed to take place there (contrary to ULP Policies S7 and H6). Appeal dismissed in 2010. Application withdrawn in February 2011 for two storey and single storey side extensions to Lindsell House as it was considered at officer level that planning permission was likely to be refused in view of the scale of the proposed extensions. Certificate of Lawfulness for an Existing Use or Development approved in part and refused in part in May 2011 for proposed extensions to the existing dwelling. Decision currently subject of appeal for refused element of the application.

#### 6.0 **POLICIES**

##### 6.1 **National Policies**

- Planning Policy Statement 1: Delivering Sustainable Development
- Planning Policy Statement 5: Planning for the Historic Environment
- Planning Policy Statement 7: Sustainable Development in Rural Areas
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##### 6.2 **East of England Plan (Revised May 2008)**

- Policy ENV7: Quality in the Built Environment.

##### 6.3 **Essex Replacement Structure Plan 2001**

- None.

##### 6.4 **Uttlesford District Local Plan 2005**

- Policy S7: The Countryside
- Policy H8: Home Extensions
- Policy GEN2: Design
- Policy ENV2: Listed Buildings

##### 6.5 **Supplementary Planning Guidance**

- SPD's "Home Extensions", "Accessible Homes and Playspace" and "Energy Efficiency and Renewable Energy".

## **7.0 PARISH COUNCIL COMMENTS**

7.1 The majority of the village planning committee support this application despite the fact that it is very big as it feels the reasons for it, e.g. as a home for the son, is justifiable.

## **8.0 CONSULTATIONS**

### **UDC Access Officer**

8.1 Mr and Mrs Thorpe are known to me and the Uttlesford Area Access Group as we have supported them in recent applications. The first was Tudor Lodge, UTT/1029/09/FUL, for the erection of a side and a one and a half storey rear extension to meet Callum Thorpe's needs, which was approved, and secondly Lindsell House, application UTT/2356/10/FUL, which was withdrawn. The Group has been very supportive in the past in ensuring that Callum's needs were met and those applications have been dealt with sympathetically by the Planning Department. The current application UTT/1209/11/FUL has raised a number of questions which were also identified in the last application.

8.2 The group has noted the role of Mrs Thorpe's mother in providing care for Callum and the fact that she is wheelchair dependant. It is not clear if Mrs Thorpe's mother lives with the family full time. We understand that this is a great opportunity for all the family members to be involved with his care and the routine this provides. Many of the members of the Access Group are wheelchair dependant and lead amazing independent lives and we are very fortunate in currently having a member of staff with Asperger's working with us. Some concerns on this application, as were present in the previous application have been identified. Please note that there is a comment in Section 6 of the Design and Access Statement which says that the 'Uttlesford Area Access Group' supports this application and a letter accompanies this. This is in fact incorrect.

8.3 Issues identified requiring further clarification;

- The occupation and therapy room provided in the basement does not allow Callum's grandmother access as there is no through floor lift provision. This has not been explained;
- Means of escape in this area needs to be identified to ensure Callum is protected. We obviously appreciate that his parents are aware of this, but we need to demonstrate this as part of our comments;
- It is not clear as to why the music room would not be accommodated within this basement area to reduce noise levels for the rest of the family;
- The area identified for Callum's enjoyment almost provides annexe accommodation if the boot room is to be converted to a kitchen as has been suggested in one of the supporting documents. Is this the future intention for Callum who currently sleeps upstairs with the rest of the family?
- Whilst we appreciate that Callum's family understand and know his needs, there is no supporting documentation from an occupational therapist to demonstrate how this accommodation would meet his future needs. If we were working with occupational therapists for a disabled facilities grant application and a planning matter was pursued, we would look to see what has been prescribed;
- Note: The stepped access from the kitchen/dining area has now been improved by the addition of a platform lift, allowing Mrs Thorpe's mother access into the living room.

### **Specialist Advice on Historic Buildings and Conservation**

8.4 The proposed extensions are considered large in scale, although it is considered that the proposal would not have an adverse effect on the listed setting on Pettits, the Grade II listed cottage situated to the immediate north due to separation distances.

## 9.0 REPRESENTATIONS

9.1 1 received. Advertisement expired 21 July 2011. Site notice expired 2 August 2011.

Longfield, Lindsell: Object: Since the withdrawal of the previous scheme, the applicant has decided on a series of extensions and applied for a Certificate of Lawfulness to ensure that this second scheme is allowed. The proposed extensions would be a mish mash of design to provide new floorspace.

## 10.0 APPRAISAL

10.1 The issues to consider in the determination of this application are:

- A Whether the proposed development would cause material harm to the countryside;
- B Whether the scale, design and external materials of the proposed extension would respect those of the original dwelling;
- C Whether special circumstances exist;
- D Whether the proposal would be harmful to the setting of the adjacent listed building;
- E Permitted development considerations.

### A Consideration of impact of proposal on the countryside

10.2 PPS1 and PPS7 advise that all development within rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness, whilst UDC Policy S7 states that the countryside shall be protected for its own sake and that development will only be permitted if its appearance protects or enhances the particular character of the countryside in which it is set or there are special reasons why the development in the form proposed needs to be there.

10.3 The site is situated within a rural setting within a small grouping of established dwellings on the western side of the lane where there is a mixture of building forms. Lindsell House is unremarkable in its design and appearance as a former agricultural workers dwelling and has not been previously extended and there is scope in view of this for the dwelling to be extended in some form, albeit that it is presently of reasonable size. The applicants have previously stated that they do not wish to convert the existing storage outbuilding situated in front of the house as an annexe for their son's special needs as this would isolate him from the rest of the family and this is recognised.

10.4 Whilst the site lies within the countryside, it is situated within a backland location on level ground behind frontage dwellings and cannot be viewed from the public highway, notwithstanding that a public footpath runs along the site's western boundary some 170 metres away. Furthermore, it is accepted that the landscape quality of the northern end of Lindsell is not as high as to the south at Church End. Given these physical factors and the varied building forms of dwellings within close proximity, it is considered that the proposal would not be harmful to the particular character of the countryside in which the site is set and would not therefore be contrary to the countryside protection aims of ULP Policy S7 in this particular respect.

### B Design, scale and appearance

10.5 Notwithstanding the above, ULP Policy H8 states that proposed extensions will be permitted providing that the scale, design and external materials respect those of the original building and providing that they do not have an adverse impact upon neighbouring amenity, whilst ULP Policy GEN2 states conversely that development will not be permitted unless they

meet all of the criteria relevant to that policy, including having regard to relevant Supplementary Design Guidance (SPG) and Supplementary Planning Documents (SPD's). The SPD "Home Extensions" provides design guidance to inform ULP Policy H8 and states that all extensions should respect the scale, height and proportions of the original dwelling (adding that they should not be larger than the original house itself) and that the form and shape of the extension should where possible be designed in the same style as the existing dwelling.

10.6 The proposed extensions the subject of the current application by reason of their combined size and scale would fail to respect the size proportions of the original dwelling as they would have a combined external footprint greater than the original dwelling (198m<sup>2</sup> compared to 129m<sup>2</sup>), whilst the scheme would seek to create a barn vernacular style dwelling appearance across the front façade through re-profiling which would significantly change the dwelling's existing building form and appearance. The proposal would therefore fail to comply with ULP Policy H8 as it would fail to respect the scale, height and proportions of the original dwelling and would not as a result of this be in accordance with design advice contained within the accompanying SPD on Home Extensions.

10.7 The nearest properties to Lindsell House are Post Cottage situated to the immediate east and Longfield to the immediate south-east. The extensions would be positioned on the other side of the dwelling to these properties to include a single storey rear addition and no material amenity issues in terms of overbearing effects, loss of light or loss of privacy would therefore arise from the proposal under ULP Policies H8 and GEN2.

#### C Consideration of special circumstances

10.8 Consideration has been given to what is stated to be the special needs of the applicant's son given that he suffers from autism and has Asperger's Syndrome. The design of the proposed extension layout is such that the applicants' son and his carer (grandmother) would reside within the existing dwelling envelope area, whilst a basement would be provided within the extension zone to be used in part as an occupational and physical therapy area for him. The Council's Access Officer has stated that the Uttlesford Access Group has been supportive of the applicants in the past through their aspirations to find suitable accommodation to meet their son's special needs and this was achieved at their previous residential address at Tudor Lodge situated within close vicinity of the application site where planning permission was granted for an extension of a lesser footprint area than as proposed. Concerns have been raised by the Council's Access Officer, however, with the room layout for the proposed scheme as this would involve the use of the basement separately from the rest of the son's dedicated living area and as the son's stated carer is the applicants' mother, whom it is stated is confined to a wheelchair. Furthermore, no supporting documentation has been submitted with the application from an occupational therapist to show how effective the layout would be to meet the son's needs.

10.9 Given this, the Council's Access Officer is unable to fully support the application proposal and in the circumstances it is considered that the proposal is not fully compliant with the Council's SPD on "Accessible Homes and Playspace". Notwithstanding this, whilst no policy objections are raised to the proposal under ULP Policy S7 as previously mentioned, it is considered that the applicant's personal circumstances do not represent an overriding consideration when assessed against this rural constraint policy and in this respect it is considered that the development does not need to take place at this rural location. In this context, the Council would disagree with the applicant's agents' assertion within the accompanying Design and Access Statement that the setting of the site is "more suburban in appearance" rather than being countryside. It is a matter of fact that the development plan defines this site to be outside the development limit and therefore in the countryside.

#### D Impact on setting of adjacent listed building

10.10 Pettits, a Grade II listed thatched cottage, is located approximately 50 metres to the north-east of Lindsell House and is separated from the property by boundary hedging and by the existing outbuilding to Lindsell House. The Council's Conservation Officer has advised that in

these circumstances the proposal would not have a detrimental effect on the setting of this listed building and would not therefore be contrary to ULP Policy ENV2 or the aims of PPS5.

#### E Permitted Development considerations

10.11 The applicants' agents have made the case in support of the application that the lawful implementation of Part 1, Class A permitted development rights for Lindsell House as a dwelling which has not been previously extended would result in a far bigger footprint/volume area were the Council to refuse planning permission for the current application proposal, particularly if these rights were to be maximised (see comparison figures in Applicant's Case above), that this in turn could lead to resultant harm to neighbouring amenity and that overall such an alternative scheme would lead to an inferior design to that which is proposed by the current application. They have demonstrated on separately submitted drawings the extent to which these rights could be achieved and how the extended dwelling would appear and have recently applied for and received a Certificate of Lawfulness for a Proposed Use or Development from the Council in part for such a scheme. An appeal decision is currently awaited on a contested building element of this scheme which the Council considers does not benefit from permitted development rights.

10.12 Whilst it is evident that it would be possible to achieve an extensive area of additions to Lindsell House through the permitted development process (particularly if any adapted proposal were to include projecting beyond the principal elevation of the dwelling as this elevation does not front onto a highway as recently mooted by the applicant's agents), this is clearly a matter of choice for the applicants. Although the extensions achievable through permitted development rights are a material consideration it is considered that this process should not be used to overtly influence the Council in its deliberations over the current proposal and circumvent proper consideration on design and other policy issues of the current proposal.

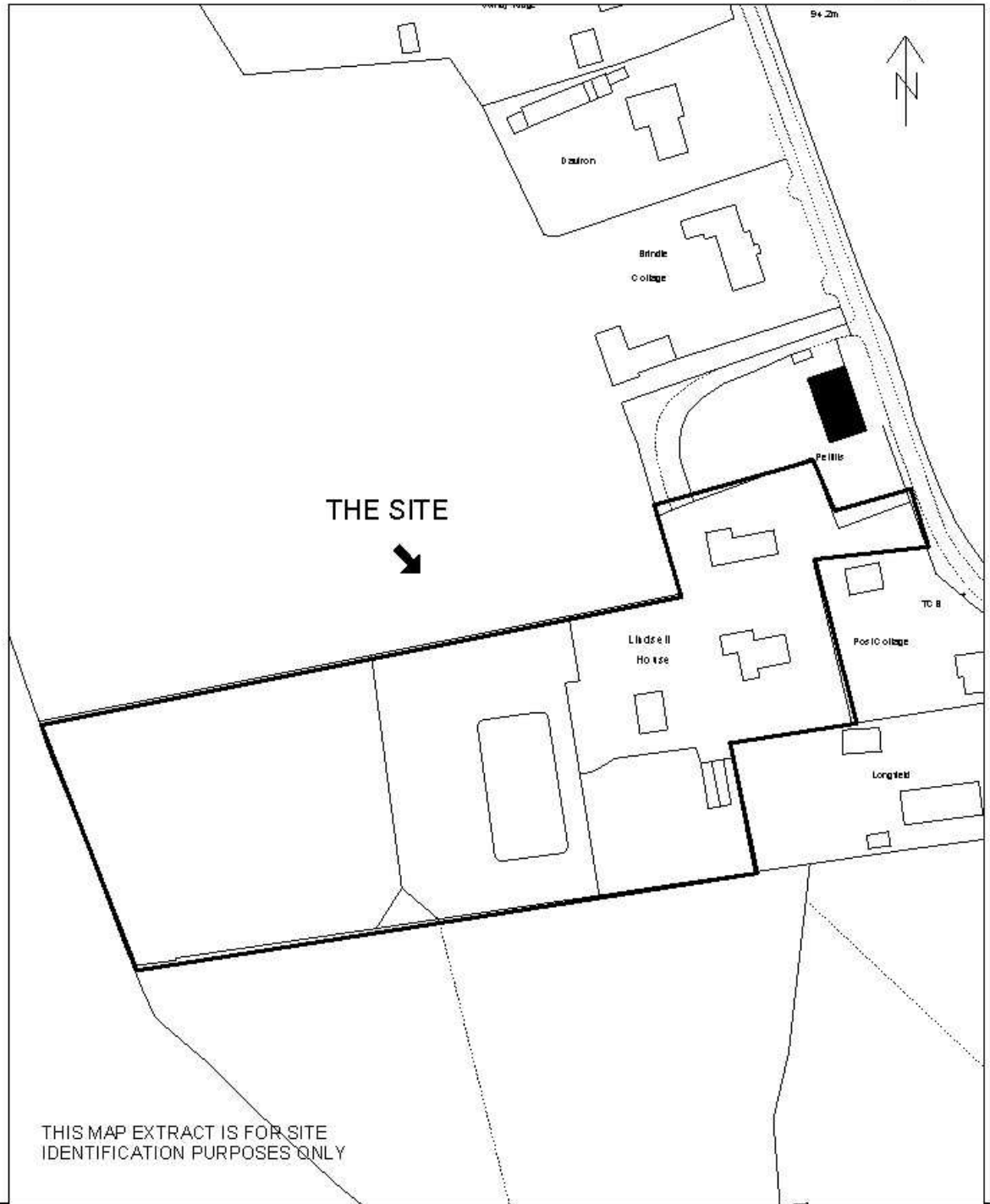
#### **11.0 CONCLUSION**

11.1 The following is a summary of the main reasons for the recommendation:

- The proposal by reason of its size and scale would, fail to respect the scale and design of the original dwelling on the site and would therefore be contrary to ULP Policies H8 and GEN2 and also design advice contained within the Council's SPD "Home Extensions";
- The proposal fails to fully comply with the SPD "Accessible Homes and Playspace" due to a lack of supporting information and no special circumstances have been demonstrated by the applicant to show that the development proposed needs to take place at this rural location;
- Lindsell House could be extended under permitted development rights. However, this would be a matter of choice for the applicants and this process should not be used to overtly influence the outcome of the current application, which should be treated on its planning merits.

#### **RECOMMENDATION – REFUSAL**

1. The proposed extensions by reason of their design and overall scale would fail to respect the design and scale of the original dwelling, whilst the proposed remodelling of the dwelling's principle façade as part of the proposal would significantly change its present form and appearance. The proposal would therefore be contrary to ULP Policies H8 and GEN2 of the Uttlesford Local Plan 2005 and the accompanying adopted Supplementary Planning Document "Home Extensions". Furthermore, the applicant has failed to satisfactorily demonstrate that the proposal would meet the requirements of the Council's SPD "Accessible Homes and Playspace" with regard to the applicant's son's special needs.



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