

UTT/2473/11/FUL (MANUDEN)

(Referred to Committee by Cllr Loughlin Reason: To assess to impact on neighbouring property and over development of the site)

PROPOSAL: Single dwelling with detached cartlodge

LOCATION: 40 The Street, Manuden

APPLICANT: Mr R. Spearing

AGENT: Sworders

GRID REFERENCE: TL 490-237

EXPIRY DATE: 6 March 2012

CASE OFFICER: Miss K. Benjafield

1. NOTATION

1.1 Within Development Limits / Conservation Area / Curtilage of Grade II Listed Building

2. DESCRIPTION OF SITE

2.1 The site comprises an area of land to the rear of No. 40 The Street which currently forms part of the residential curtilage of that property. There are residential properties with common boundaries with this site to the north and east. Adjacent to the northeast part of the site is the car park to the Yew Tree Public House. To the west is a single width lane which serves residential properties to the west and north of the site.

2.2 The existing dwelling at 40 The Street is a two-storey former maltings building which has a linear form running parallel with The Street. Along the western boundary there is a single storey, open sided structure attached to the boundary wall. The boundaries to the west, north and east predominantly comprise brick walls although the western boundary has a section which has been constructed using concrete blocks at some point in the past.

3. PROPOSAL

3.1 This application relates to the erection of a two-storey detached dwelling. The dwelling would cover an area of 90m² and would have a maximum ridge height of 7.5m. The front and rear elevations of the proposed dwelling would have two-storey gable features with dormer windows in the front and rear roofslopes. The property would be positioned with the front and rear elevations facing the east and west.

3.2 A detached carport is also proposed to serve the dwelling. This would cover an area of 36m² and would have a maximum ridge height of 6.1m.

4. APPLICANT'S CASE

4.1 A planning statement and a design and access statement have been submitted in support of the application. These provide details of the site, the proposal and the rationale behind it, the planning history of the site (including the appeal decision for a previous application for a dwelling on this site) and relevant local and national planning policies. A flood risk assessment has also been submitted with the application.

- 4.2 Following the receipt of representation letters by the Council, the agent for the application has also submitted a further letter in response to the points raised in the representations.

5. RELEVANT SITE HISTORY

5.1 UTT/0810/00/FUL & UTT/0811/00/LB

- 5.2 Erection of dwelling and detached garage and demolition of lean-to garden structure and section of wall refused by Development Control Committee on 29 September 2000 and dismissed at appeal in 2001. The reasons that the Inspector dismissed the appeal were because the proposal would harm the special architectural and historic interest of No. 40 The Street and its setting and it would fail to preserve or enhance the character or appearance of the Manuden Conservation Area.

5.3 UTT/1623/09/FUL & UTT/1629/09/LB

- 5.4 Proposed garden room extension and alterations to rear of property. Demolition of existing boundary wall and part demolition of outbuilding to form new vehicular access with associated parking conditionally approved 5 February 2010.

6. POLICIES

6.1 National Policies

National Planning Policy Framework

6.2 East of England Plan 2006

Policy ENV6 - The Historic Environment

6.3 Essex Replacement Structure Plan 2001

N/A

6.4 Uttlesford District Local Plan 2005

Policy S3 - Other Development Limits

Policy GEN1 - Access

Policy GEN2 - Design

Policy GEN3 - Flood Protection

Policy GEN8 - Vehicle Parking Standards

Policy H4 - Backland Development

Policy ENV1 - Design of Development within Conservation Areas

Policy ENV2 - Development affecting Listed Buildings

SPD - "Accessible Homes and Playspace"

7. PARISH COUNCIL COMMENTS

- 7.1 Manuden Parish Council objects strongly to the above application, noting that it is very similar to the proposal rejected by the Development Control Committee and subsequently on Appeal in 2001.

The reasons for rejection at that time remain largely true today. The land on which the building would be situated is in the middle of Manuden's conservation area, in one of its most delightful parts. A building here would destroy the beauty of the area, and its historic significance.

Access would be from the main road in the village, The Street, via a private drive which is too narrow to allow a vehicle any bigger than a small motor car to pass. The drive is

already over-used. It joins The Street at a very dangerous point where visibility is usually obscured by legitimately parked cars. To facilitate further use of this dangerous entrance to The Street would be highly irresponsible.

We urge the Development Control Committee to once again reject this proposal to over-intensify a very special area of Manuden.

8. CONSULTATIONS

Design Advice

8.1 No 40 the Street is a timber framed and plastered house of C17 origins, listed grade II. The house is located in the centre of historic village and in a substantial well landscaped garden

The proposal subject of this application is to erect a cottage in the bottom area of the garden, away from the main street and principal public views within conservation area. This application follows a previously refused and dismissed on appeal scheme for a much larger house which aimed to occupy substantial proportions of the rear garden of the listed building.

The present proposal appears to takes on board the Inspector's comments relating to the refused scheme. The proportions of the now proposed dwelling and its curtilage would be much reduced, consequently its impact on the setting of the listed building would be minimised. In terms of design the new cottage would respond well to the local vernacular. The access to the new dwelling would be through an already approved drive which aims at the removal of an area of concrete block walling forming a boundary to Watts Yard.

In conclusion I consider that as the precedent has been set for the development to the rear of The Street, within the Watts Yard, it is unlikely that formation of this small unit would unduly further detract form the architectural and historic qualities of number 40 The Street and listed buildings in the vicinity. Consequently and should there be no planning objections I suggest following conditions.

- New roof to be hand made plain clay tiles to LA approval.
- All render to be smooth.
- All external joinery to be painted timber.
- Large scale details of boundary wall between the new unit and the garden of listed building to be approved prior to the commencement of works.

Access and Equalities Officer

8.2 The layout meets the criteria for the SPD on Lifetime Homes.

Climate Change Officer

8.3 Please apply conditions relating to Code Level 3.

Thames Water

8.4 No objection.

Landscape Officer

8.5 The two leylandii trees that would be removed to facilitate the construction of the proposed dwelling are not worthy of protection by a Tree Preservation Order and there would be no objection to their removal.

9. REPRESENTATIONS

9.1 Ten representations have been received from the occupiers of five neighbouring properties.

9.2 Objections to the proposal relate to:

- The access is not suitable or safe for additional traffic.
- Out of keeping and overdevelopment
- Detrimental to the setting and character of neighbouring listed buildings
- Demolition of part of the wall and the lean-to timber structure would destroy the integrity of that structure
- The modern design and setting is insensitive
- Likely to set a precedent with a further application being submitted on the remaining land
- The garage building would be overbearing due to its height and bulk
- There would be disturbance during the construction of the dwelling
- Emergency services would not be able to access Watts Yard
- There are errors in the flood risk assessment - the proposal is likely to give rise to flooding
- There would be disruption to oil deliveries to existing dwellings as a result of the new access
- There is no need for the proposal
- Dwelling would overlook neighbouring properties and be overlooked
- The proposal would result in a loss of views
- The proposal does not meet the requirements of the policies mentioned in the supporting information.

10. APPRAISAL

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

- A The principle of development on this site
- B Design of the Development
- C Impact on the Setting of the Listed Building
- D Access
- E Parking Provision
- F Flood Protection

A The principle of development on this site

- 10.1 The site is located within the development limits for Manuden and ULP Policy S3 - Other Development Limits specifies that "development compatible with the settlement's character and countryside setting will be permitted within these boundaries". ULP Policy H4 - Backland Development also indicates that development on parcels of land that do not have a road frontage will be permitted if four criteria are met. With regard to the first criterion, development will be permitted if there is a significant under-use of land and development would make more efficient use of it. This criterion was relevant when a minimum density was required for development under the requirements of previous PPGs and PPSs relating to housing. This density requirement no longer applies following the cancellation of the PPGs and PPSs and therefore this criterion has been superseded. With regard the other three criteria, these are considered in sections B and D below.

- 10.2 Therefore, the principle of the development of this site is acceptable subject to compliance with all other relevant Development Plan policies including those relating to design and the design of development within Conservation Areas.

B Design of the Development

- 10.3 The existing dwelling on the site is a Grade II Listed building as are the neighbouring properties which face onto The Street and a dwelling located to the west of the site within Watts Yard. To the north of the site and Watts Yard are modern dwellings. Although there is a mix of historic and modern dwellings surrounding the site, it is important that the proposed dwelling reflects the traditional and vernacular scale, form

and appearance of the surrounding historic buildings. The Council's Conservation Officer has assessed the proposal and has indicated that it would respond well to the local vernacular. The scale, form, appearance and materials of the dwelling would respect those of the neighbouring historic properties and would be appropriate in the context of the character of Conservation Area.

- 10.4 Within Conservation Areas it is important that development preserves or enhances the character and appearance of its essential features which can include plan form, relationship between buildings and the arrangement of open areas. The proposed dwelling would be sited at the end of the existing garden to No. 40 The Street and would be adjacent to an existing modern dwelling. The amount of open space on this site would inevitably be reduced through the introduction of a new dwelling however there would remain a distance of 38m between No 40 and the proposed dwelling. This area of open space would not therefore be so reduced that the dwelling would detrimentally impact on the open characteristic of this part of the Conservation Area. In addition, the relationship between buildings and the overall plan form would be retained.
- 10.5 The proposed dwelling would be located to the south of the closest neighbouring property. The property to the north does not have any first floor side windows facing the application site and proposed dwelling would not have any first floor windows in the side elevation facing the existing property. Therefore, in addition to the position of the proposed dwelling being in line with the existing dwelling, the proposal would not give rise to any materially detrimental loss of privacy, loss of daylight, overbearing impact or overshadowing.
- 10.6 The proposal has been assessed in relation to its compliance with the Lifetime Homes Standards set out in SPD - "Accessible Homes and Playspace" and the layout meets the specified criteria. With regard to the requirements of SPD - "Energy Efficiency and Renewable Energy", the Building Regulations have now caught up with the standards of energy efficiency that were required to meet the SPD and therefore it is no longer necessary to impose conditions relating to new dwellings meeting Code Level 3 of the Code for Sustainable Homes.

C Impact on the Setting of the Listed Building

- 10.7 A previous proposal for a detached dwelling within the curtilage of 40 The Street was refused by Members in 2000 and dismissed at appeal in 2001 due to the detrimental impact that it would have had on the setting of No 40. That proposal was for a much more substantial dwelling that would have been located closer to No 40 and set within a larger plot. The current application relates to a smaller and more modest property and the site area has been reduced in order for No. 40 to retain a larger area of the residential curtilage. It is the Conservation Officer's view that "*as the precedent has been set for the development to the rear of The Street, within the Watts Yard, it is unlikely that formation of this small unit would unduly further detract from the architectural and historic qualities of number 40 The Street and listed buildings in the vicinity*". Therefore the proposal would not adversely affect the setting of No. 40 or adjacent listed buildings and would comply with the requirements of ULP Policy ENV2.

D Access

- 10.8 In 2010 planning permission and listed building consent were granted for a new access to No. 40 to be formed onto the lane to the west of the site which serves Watts Yard through the removal of a section of wall. That access was proposed at the time to serve No. 40 as an alternative to the existing access adjacent to the front of the property. There have been no material changes to policy since those consents were granted and the level of traffic serving the proposed dwelling would be the same as would have occurred if the access was serving No. 40, i.e. the volume of traffic equivalent to one residential property. The proposed access is therefore acceptable.

E Parking Provision

10.9 It is proposed that a carport would be erected which would provide parking provision for two vehicles. In addition, there would be sufficient space to the front of the dwelling to accommodate any further vehicles. The proposal would meet the requirements of the current parking standards.

F Flood Protection

10.10 The site is located within flood zone 2 and type of development proposed falls within the "more vulnerable" category as designated by the Environment Agency. An assessment of the proposal against the "Flood risk vulnerability and flood zone 'compatibility'" table set out in the technical guidance to the National Planning Policy Framework indicates that the proposal would be acceptable. In addition, the flood risk assessment submitted with the application indicates that the flooding to the building can be prevented by setting the finished floor level 300mm above the expected level of a flood in this area. A further assessment has been undertaken in relation to off site flood impacts from the proposal and the use of soakaways within the development would address this.

11. CONCLUSION

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

- A The development of this site is acceptable in principle.
- B The design of the development is acceptable and would not have a detrimental impact on the Conservation Area or the amenity of existing neighbouring properties.
- C The proposed dwelling would not have a detrimental impact on the setting of the listed buildings surrounding the site.
- D The access to the site is acceptable.
- E There proposed parking provision would meet the current parking standards.
- F The proposal would not be at risk from flooding and would not result in flooding of adjacent land as a result of dispersal of surface water.

RECOMMENDATION – CONDITIONAL APPROVAL

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

3. In accordance with the submitted application details, all surface water shall drain to soakaways unless an alternative scheme is submitted to and approved in writing by the local planning authority prior to the commencement of the development.

REASON: To control the risk of flooding to the development and adjoining land in accordance with Policies GEN2 and GEN3 Uttlesford Local Plan (adopted 2005).

4. Flood risk management measures identified in the approved Flood Risk Assessment are to be incorporated into the development.

REASON: To reduce the risk and effect of flooding to the development and ensure neighbouring property is not put at greater risk as a result of the development in accordance with Policies GEN2 and GEN3 Uttlesford Local Plan (adopted 2005).

5. Before development commences, details of the location and design of the refuse bin and recycling materials storage areas and collection points shall be submitted to and approved in writing by the local planning authority. This should include provision for the storage of three standard sized wheeled bins for each new property with a collection point no further than 25 metres from the public highway. The refuse storage and collection facilities and vehicular access where required shall be provided prior to the first occupation of the units to which they relate and shall be retained thereafter.

REASON: To meet the requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability, in accordance with Policies GEN1, GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

6. Prior to the erection of the development hereby approved (not including footings and foundations) samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2, ENV1 and ENV2 of the Uttlesford Local Plan (adopted 2005).

7. The external materials to be used in the construction of the building shall comprise hand made plain clay tiles, smooth render and painted timber external joinery.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2, ENV1 and ENV2 of the Uttlesford Local Plan (adopted 2005).

8. Large scale drawings of the boundary wall between the new dwelling and the garden of the listed building shall be submitted to and approved in writing prior to the commencement of development. Subsequently, the approved development shall be implemented in accordance with the approved details.

REASON: In the interests of the appearance of the development in accordance with Policy GEN2, ENV1 and ENV2 of the Uttlesford Local Plan (adopted 2005).

9. Prior to the erection of the development hereby approved (not including footings and foundations) full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:-

- i. proposed finished levels or contours;
- ii. means of enclosure;
- iii. car parking layouts;
- iv. other vehicle and pedestrian access and circulation areas;
- v. hard surfacing materials;
- vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
- vii. proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports.);

REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, GEN8, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

10. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

REASON: In the interests of the appearance of the site and area in accordance with Policies GEN2, GEN7, ENV3 and ENV8 of the Uttlesford Local Plan (adopted 2005).

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority.

REASON: In the interests of preserving the historic character and appearance of the listed building and its setting in accordance with ULP Policy ENV2 and PPS5.

12. Before development commences cross-sections of the site and adjoining land, including details of existing levels around the building hereby permitted and any changes in level proposed, together with the proposed floor levels within the building, shall be submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

REASON: In order to minimise the visual impact of the development in accordance with Policies GEN2, ENV1 and ENV2 of the Uttlesford Local Plan (adopted 2005).



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office.

Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Uttlesford District Council Licence No: 100018688 (2007).

DATE:16/05/2012

MAP REFERENCE:TL4926NW

SCALE:1:1250