

UTT/0978/12/FUL – (Hatfield Heath)

(Referred to Committee by Councillor Lemon . Reason: height of buildings, overdevelopment of site, unsuitable for area)

PROPOSAL: Erection Of 2 No Dwellings With Garages And Carports And New Vehicular And Pedestrian Access.

LOCATION: Land R/O Applegate And Rowans Chelmsford Road Hatfield Heath

APPLICANT: Clearwater Homes Ltd

AGENT: Lindy Livings & Howes

GRID REFERENCE: TL 528-150

EXPIRY DATE: 06/07/2012

CASE OFFICER: Mrs M Jones

1.0 NOTATION

1.1 . Within Development Limits/part Metropolitan Green Belt. Access onto a class A road.

2.0 DESCRIPTION OF SITE

2.1 The plot is to the north of the Chelmsford Road approximately 100m to the east of the heath at Hatfield Heath. The site forms part of the rear gardens of the properties to the front of the site. The properties to the front of the site consist of two bungalows which both have single detached garages that are set back between the properties. Both properties are set back from the road, The site has two gated vehicular access points. The rear half of the site lies within the Metropolitan Green Belt and the front of the site lies within development limits. The development pattern along this stretch of the road is ribbon development on both sides of the road, with a variety of types of dwellings. To the front of Applegate between a hedge and the road is a hard standing for parking of one vehicle. There is a gravelled parking area to the front of the Rowans, which is separated from the road by a hedge and grass verge. The adjacent site, to the rear of the former site of Valdor, has recently gained approval for the erection of two detached properties and Valdor has been redeveloped to provide three new houses (a detached house and a pair of semis)

3.0 PROPOSAL

3.1 3.1 The proposal is for the erection of two, four bedroom, detached, dwellings with vehicular access from Chelmsford Road and the erection of two garages with attached open -sided carports. Access to the properties would be via a driveway between the existing bungalows at the frontage of the site (Applegate and The Rowans) Each dwelling would be approximately. Each property would have two parking spaces each measuring 5.5m x 2.9m and plot 2 would have an additional parking space of 5.5m x 3m. The height of the properties would be 7m with an eaves height of 2.3m. The garages would be 4.7m high with eaves height 2.3m and have internal measurements of 7m x 3m

3.2 There would be a new access drive from Chelmsford Road between the two frontage buildings. The first six metres of the access from the road will be of bound material with the remainder of the drive being of tar spray and shingle. The driveway would be 4.8m wide reducing to 4m. There is 6.15m distance between the existing properties Rowans and Applegate.

4.0 APPLICANTS CASE

4.1 Design and Access Statement (summary) Please see main file for full details.
The site is situated in Hatfield Heath. This is a sustainable location. The character of the area immediately around the application site is residential. While this is predominantly in the form of ribbon development on the road frontage, this is not exclusively the case as there are a number of situations where houses have been permitted behind. The locations of these are identified on drawing 1 submitted with the application. These include a recently constructed house, Rivendell, on the same side of Chelmsford Road as the application site and a house that is being constructed opposite Rivendell behind Camberley together with the former site of Valdor which is adjacent to the proposal. The two houses will be positioned parallel with the frontage buildings within the development limits. They will be built to Lifetime homes standards. A collection area for bins etc will be provided adjoining the Chelmsford Road frontage for use by all of the householders.

Although having two floors of accommodation, the three bedrooms and bathrooms at first floor level are accommodated within the roof space. As a result the highest ridge line of each house is 7m and the eaves line is 2.3m

The proposed houses will have a traditional design with a pitched roofs, rendered walls with brick plinths and using traditional materials.

Ecology and Newt surveys have been submitted with the application.

5.0 RELEVANT SITE HISTORY

5.1 UTT/0574/88 (Applegate) - Provision of 3 bedrooms and bathroom within roofspace of bungalow approved 1st June 1988.

5.2 UTT/0807/01/FUL (Rowans)- Rear extension to house and repositioning of garage approved 2001.

5.3 UTT/0912/99/FUL (Rowans) - Insertion of dormer windows to front and rear roof slopes approved 1999.

5.4 UTT/1245/08/FUL (Valdor) - Demolition and erection of 1 pair of semi-detached dwelling and one detached dwelling with associated garages and turning areas. New vehicular access to highway. Approved 2008

5.5 UTT/1442/10/FUL (Rear of former Valdor) - Erection of two dwellings with vehicular access. Approved November 2010.

5.6 UTT/1944/11/OP - Erection of two dwellings with vehicular access from Chelmsford Road. Approved 22nd November 2012.

6.0 POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 East of England Plan 2006

- Policy H1 - Regional Housing Provision
- Policy SS1 - Achieving sustainable Development
- Policy ENV7 - Quality in the Built Environment
- Policy ENG1 - Carbon Dioxide Emissions and Energy Performance

6.3 **Essex Replacement Structure Plan 2001**

- N/A

6.4 **Uttlesford District Local Plan 2005**

- Policy S3
- Policy S6
- Policy H4
- Policy GEN2
- Policy GEN1
- Policy GEN8
- Policy GEN7

Supplementary Planning Documents:

- Energy Efficiency and Renewable Energy has been adopted (October 2007)
- Essex County Council Parking standards have been adopted (January 2010)
- Accessible Homes and Playspace (November 2005)
- Hatfield Heath Parish plan

7.0 **PARISH COUNCIL COMMENTS**

- 7.1 No reply received. Expiry date 15th June 2012 (to be reported at meeting)

8.0 **CONSULTATIONS**

Natural England

- 8.1 No objections.

Essex County Council - Highways

- 8.2 No objections subject to conditions.

Internal Building Control

- 8.3 No comments.

Thames Water

- 8.4.1 With regards to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 08458502777. Reason: to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system. Recent legal changes under The Water Industry Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water ownership. Should the proposed building work fall within 3m of these pipes it is recommended that Thames Water is contacted to discuss the status in more detail and to determine if a building over/near to agreement is required. With regards to sewerage infrastructure we would not have any objections to the planning application.

Essex Wildlife Trust

8.5 No reply received. Expiry 8th June 2012

Project Officer

8.6 The plans submitted for this application for Plots 1 & 2 both comply with the Lifetime Homes SPG. I note that bedrooms are shown on the ground floor within both plots with connecting en-suites, this will alleviate the necessity to provide a through floor lift space.

9.0 REPRESENTATIONS

9.1 Three letters of representation has been received. Expiry date 13th June.
Heathfield:

This is a repeat application, I believe for the third time. The objections raised against the original application still stand.

In summary, the development is not at all in keeping with the local community. The existing area is a ribbon strip of housing along the main road. This application creates a housing estate. Essentially achieved via a stealthy route of adding houses here and there to mask the overall intent.

In addition, the various building projects completed and planned by the developers will ultimately lead to nine family dwellings where there was previously a single bungalow. This will cause significant traffic safety and congestion issues on an extremely busy main road.

Roseacres:

This revised proposal creates even greater detrimental impact than the original plan and request that it is refused on the following grounds.

The revised garage and carport layout will create increased vehicular activity immediately on the boundary to my property, thereby detrimentally impacting my amenity, general quality of life and enjoyment of my hitherto unoverlooked garden

There is an issue of an increased roofline further creating the feel of a small housing estate in the middle of what have always been semi-rural gardens

There are no descriptions in the plans on the proposed screening that will be provided to minimise the impact of a large tiled roof that will create further unwelcome impact to my outlook

The plans provide insufficient clarity on light and noise pollution created by the development and the impact on the wildlife prominent in the area. These gardens are a haven for foxes, rabbits, muntjacs etc and are a particularly safe and active area for nocturnal activity. From what I can determine from the incomplete plans there will be extractor fans actuated while the properties bathrooms are in use, creating noise disturbance.

One of the bathrooms is on the ground floor on the immediate boundary to my property, the other is on the first floor on the North side of the proposed property, with what I can assume will have a velux style window as well as extraction, none of which are shown on the plans

The purpose of the Green Belt boundary is to ensure sufficient habitat is maintained to allow the native flora and fauna to thrive. This development is immediately adjacent to the green belt boundary and will consequently have a significant detrimental impact on the activities of the local wildlife.

The revised planning submission creates further detrimental impact to my family than the original and to restate and earlier point. We submit that three of criteria (b,c and d of policy H4 in our opinion are not met. Equally the policy statement a is subjective and the small percentage of properties that have been granted planning permission for backland development in Chelmsford Road should not set precedent.

Sir Alan Haselhurst MP:

I would be grateful if full account could be taken of the concerns of my constituents. (Includes comments from the occupiers of Roseacres (as above) and from Mr Lemon)
Mr Lemon, Amberton Cottage, states

We are now subject to a revised set of plans that we are having to object again on the grounds of further impacts to my family's quality of life and which are detrimental to the semi-rural village environment of Hatfield Heath.

I am concerned that the developers are seeking to incrementally enhance their proposals on the basis that once initial planning permission is approved neighbours and Parish Council members and even the planning committee themselves will not diligently continue to raise objections. I am no planning expert but this seems to be a calculated tactic that will achieve the developers aims with no regard to the impacted local community

Aside from the impact to my family and the village environs, this development is adjacent to the Green Belt (i.e built to within inches of the line) and should not be permitted, in my view or at least subject to rigorous controls to ensure environmental impacts is minimised

10.0 APPRAISAL

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

- A. Whether two new dwellings in this location are acceptable (ULP Policies S3, S6, H4)
- B. Design, scale and impact on neighbours amenity (ULP polices GEN2 & GEN4)
- C. Whether there would be any adverse impact on highway safety (ULP polices GEN1 & GEN8)
- D. Whether there would be any adverse impact on protected species (ULP policy GEN7)
- E. Any other material consideration

10.1 **Whether two new dwellings in this location are acceptable (ULP Policies S3, S6, H4)**

- A) The site is located partly in the Metropolitan Green Belt and partly within Development Limits.

The front part of the site is within development limits for Hatfield Heath (East) where policy S3 applies. This specifies that "development compatible with the settlement's character and countryside setting will be permitted within these boundaries". The rear of the site falls within Green Belt land and as such policies ULP S6 also is relevant.

Policy S6 states that:

Infilling, limited development compatible with the character of the settlement and its setting will be permitted within Hatfield Heath village.

Development permitted should preserve the openness of the Green Belt and its scale, design and siting should be such that the character of the countryside is not harmed.

The existing character of this road is of ribbon (linear) development with small clusters of dwellings (south of the road) towards the west end and more spacious dwelling to the east. To the north of the Chelmsford Road apart from the dwelling to the rear of Little Noggins, all of the properties front the road and to their rear is open land abutting the green belt. The property to the rear of Little Noggins maintains a gap between the rear of the dwelling and the Green Belt. Most of the properties have large rear gardens.

Adjacent to the site two properties to the rear of the gardens of the new properties built on the site formerly known as Valdor have been approved.

The proposed development would be located within the development limits of the village whereby local plan Policy H4 for backland development applies. Policy H4 allows backland development subject to meeting the listed criteria. The impact upon amenity will be assessed below, with regards to making effective use of land there have been appeal cases in the past of similar developments that have been granted on appeal and this is a material consideration (Lingfield Hatfield Heath UTT/1692/02/OP allowed on appeal 2003).

The proposed dwellings would be built right up to the boundary of the green belt. The green belt boundary cuts across the rear gardens (rather than following the boundary line of their rear gardens) of the properties to the north of Chelmsford Road. It is considered that the purpose of locating the green belt boundary in this location is to prevent

development of the nature of this application and to protect the amenity and open nature of the Green Belt. Whilst it is proposed to build up to the development limits and Green Belt boundary the part of the proposed development that would be sited within the Green Belt element would remain in garden use and therefore the impact as such upon the Green Belt is considered to be minimal and has been approved in other locations.

In addition policy H4 states that Development of a parcel of land that does not have a road frontage will be permitted, if all the following criteria are met:

- a) There is sufficient under-use of land and development would make effective use of it.
- b) There would be no material overlooking or overshadowing of nearby properties.
- c) Development would not have an overbearing effect on neighbouring properties.
- d) Access would not cause disturbance to nearby properties.

The impact upon amenity will be assessed below. With regards to making effective use of land there have been appeal cases in the past of similar developments that have been granted on appeal.

The principle of two new dwellings on the site has already been established under planning application UTT/1944/11/OP.

This scheme is very similar to the proposal already approved.

B Design, scale and impact on neighbours amenity (ULP polices GEN2 & GEN4)

The design and scale of the proposed properties are considered to be satisfactory. They meet guidance set out in the Essex Design Guide and comply with the adopted Lifetime Homes Supplementary Planning Guidance. The properties would not result in any material overlooking or overshadowing as the relevant criteria for back to back distance and sunlight/daylight standards are met.

Reference has been made regarding extractor fans to the immediate boundary create a possible noise disturbance, however, it is considered that this is likely to be minimal and not detrimental enough to warrant refusal of the scheme. In addition, there is reference to the impact the garages would create by increased noise and disturbance close to the boundary of the site. However, the previous approved scheme indicated parking spaces to the boundary in the position of the garages/cartlodge and it is therefore considered that this proposal would not create any material detrimental increased activity to neighbours amenity than the scheme already approved. A material consideration is that garages for the properties to the front of the site could be built as permitted development to a height of 4m (provide they were 2m away from the boundary) The garage s of this proposal although closer to the boundary (1.5m) are only 4.7m high. The roof of the garage adjacent to Roseacres is hipped on the western slope which will lesson its impact on neighbour's amenity.

The impact upon the neighbouring dwellings by way of noise, nuisance and disturbance would be minimal resulting from the proposed 2 dwellings.

C Whether there would be any adverse impact on highway safety (ULP policies GEN1 & GEN8)

Adequate parking provision would be provided in accordance with local plan policy GEN8 and the adopted car parking standards

The Highways Authority has no objections to this proposal and it is considered the access to the main road is capable of carrying the traffic generated by the development safely and that the traffic generated by the development can be accommodated on the surrounding network which is a Class A road. The present two access points will be combined into one shared access and it is therefore not considered that the proposal would be detrimental to highway safety.

D Whether there would be any adverse impact on protected species (ULP policy GEN7)

There is one tree to the east of the frontage which is subject to a tree preservation order, however the development can be accommodated without any adverse impact on the preserved tree.

A habitat and biodiversity survey has been submitted, together with a supplementary report relating to Great Crested Newts and a pond netting exercise was undertaken in August 2011. Natural England has no objections to the proposed development.

E Any other material consideration

Planning permission was approved for similar scheme on the adjacent plot. Two appeals along this stretch of road have been allowed for similar developments. Outline planning application was approved in November 2011 for two dwellings on the site,

11.0 CONCLUSION

The proposal is acceptable and should be approved subject to conditions.

11.0 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. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the nearside edge of the carriageway.

REASON: to enable vehicles using the access to stand clear of the carriageway whilst the gates are being opened and closed in the interest of highway safety in accordance with Uttlesford Local Plan policy GEN1

4. 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 E 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: To prevent the site becoming overdeveloped and in the interests of the amenity of the occupiers of adjoining dwellings/buildings.

5. The development hereby permitted shall be implemented in accordance with the scheme of mitigation/enhancement submitted with the application in all respects and any variation thereto shall be agreed in writing by the local planning authority before such change is made.

REASON: In the interest of the protection of the wildlife value of the site in accordance with Policy GEN7 of the Uttlesford Local Plan (adopted 2005).



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