

UTT/12/6087/OP – (HATFIELD HEATH)

(Referred to Committee by Cllr. Lemon Reason: Controversial decision than involves overdevelopment of a site)

PROPOSAL: Outline planning permission for erection of new dwelling and garage, alteration to vehicular and pedestrian access with all matter reserved

LOCATION: Land rear of Bywell, Chelmsford Road, Hatfield Heath

APPLICANT: Mr John Layer

AGENT: Lindy Livings & Howes

GRID REFERENCE: 552967/215068

EXPIRY DATE: 15 February 2013

CASE OFFICER: Miss S Wellard

1.0 NOTATION

1.1 Within Development Limits/ Part Metropolitan Green Belt.

2.0 DESCRIPTION OF SITE

2.1 This application relates to a plot of land situated to the north side of Chelmsford Road. The site is approximately 100m to the east of the green (heath) at Hatfield Heath. The whole site currently comprises a detached residential dwelling which abuts the western side of the plot, with a detached garage to the front and a vehicular access to the western side of the site frontage. The dwelling has a large private amenity space. The southern part of the rear garden area is within the village development limits and the rear is within the Metropolitan Green Belt. The plot has residential dwellings to either side. It is noted that there has been recent development to the west of the plot whereby new dwellings have been permitted to the rear of existing properties along Chelmsford Road.

3.0 PROPOSAL

3.1 This is an outline application with all matters reserved for the erection of a detached dwelling to the rear of the existing dwelling on this plot. The existing access would be utilised and widened and extended to the eastern side of the existing dwelling. The new dwelling and garaging would be situated within the village development boundary. All matters are reserved however the agent has provided plans and elevations that show a three bedroom dwelling of 1½ storeys with dimensions of approximately 13m by 6m with all first floor windows facing the rear of the site. It would have a ridge line of 6.9m maximum and highest eaves height of 4.2m. A single storey garage would be sited to the front of the dwelling with dimensions of 7m by 3.5m and would be approximately 10m from the rear of the existing dwelling on the plot. The building would have traditional external materials.

4.0 APPLICANTS CASE

4.1 Design and Access Statement (Summary): The site is situated in a sustainable location with access to a range of facilities. Outlines sites to the west that have recently been developed with new housing. All new building would be within the development limits. The character of the area is residential. Whilst this is predominantly in the form of ribbon development on the road frontage, there are a number of situations where housing has been permitted behind.

4.2 Preliminary Ecological Appraisal Report (December 2012) (Summary): The site is of very low ecological value, with little biodiversity other than the potential to support breeding birds. Recommends mitigation measures during construction.

5.0 RELEVANT SITE HISTORY

5.1 None relevant

6.0 POLICIES

6.1 National Policies

- National Planning Policy Framework (March 2012)

6.2 Uttlesford District Local Plan 2005

- Policy S3 Other Settlement Boundaries
- Policy S6 Metropolitan Green Belt
- Policy H3 Infilling with new houses
- Policy H4 Backland Development
- Policy GEN2 Design
- Policy GEN1 Access
- Policy GEN8 Vehicle Parking Standards
- Policy GEN7 Nature Conservation

7.0 PARISH COUNCIL COMMENTS

7.1 Hatfield Heath Parish Council strongly objects to back development wherever it takes place within the parish boundary.

8.0 CONSULTATIONS

Thames Water

8.1 With regards to surface water drainage it is the responsibility of the developer to make proper provision for drainage. No objection with regards to sewerage infrastructure. Water supply in the area is covered by Veolia Water Company.

ECC Highways

8.2 No objection to the proposal as it is not contrary to the relevant transportation policies contained within the Highway Authority's Development Management policies.

9.0 REPRESENTATIONS

- 9.1 Occupiers of 9 neighbours properties notified via letter. One letter of objection received from the occupiers of Cobhams;
I consider that the proposed application to be gross over development of the site the plans show that the proposed house will be built right on the line of green belt against our garden therefore exposing our privacy we have already experienced theft from our garden since the other properties have been built nearby. The existing property is set back further than our property therefore the proposed property would be very close to Bywell.
You have already agreed several developments which on this busy road at rush hour and when the bins are being cleared make it dangerous for delivery vans or emergency vehicles to locate houses set behind the original houses.

10.0 APPRAISAL

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

- The principle of the development of this site (ULP Policy S3, S6, H4, NPPF);
- Access to the site (ULP Policy GEN1);
- Design (ULP Policy GEN2 & SPD "Accessible Homes and Playspace");
- Nature Conservation (ULP Policy GEN7);
- Vehicle Parking Standards (ULP Policy GEN8 and ECC Parking Standards);

The principle of the development of this site (ULP Policies S3, S6, H4 and the NPPF)

- 10.1 The site is located partly within the village development limits and partly in the Green Belt (MGB). Local Plan Policy S3 applies to the front part of the site which states that development compatible with the settlements character and countryside setting will be permitted. Policy S6 refers to the MGB. It states that infilling and limited development compatible with the character of the settlement and its setting will be permitted within the village of Hatfield Heath. Within the MGB development is strictly controlled and its openness and character should be preserved.
- 10.2 The main existing character of Chelmsford Road is of ribbon (linear) residential development. To the north side of the road the dwellings mostly have long rear gardens with the northern most parts being situated within the MGB with the village development limit cutting across the rear gardens.
- 10.3 The proposed development would be located within the development limits of the village, abutting the MGB. In this location, Local Plan Policy H4 is relevant which refers to backland development. This policy allows backland development in case where there is a significant under-use of land and development would make more effective use of it, where neighbouring properties would not be adversely affected by the development or by the access. The impact on residential amenity and highways issues will be discussed further below.
- 10.4 The principle of backland development in this area has already been established. In 2003 an application for backland development for a new dwelling at 'Lingfield' (to the west of the site) was refused by the council but was allowed at appeal (UTT/1692/02/OP). This appeal decision set a precedent for other such proposals to come forward. Two dwellings have been granted permission under UTT/1442/10/FUL and now built at land to the rear of the former site of Valdor (three properties to the west of the application site). Two dwellings have also been granted permission on land to the rear of The Rowans and Applegate under UTT/0978/12/FUL.

- 10.5 The proposed dwelling would be built right up the boundary of the MGB which cuts through the rear garden of the plot. It is considered that the purpose of the locating the MGB boundary in this location is to prevent development of the nature of this application and to protect the openness of the MGB. All built development would be within the development, limits and the MGB would remain used as a garden. For this reason and as the principle of such development has already been established, the impact on the MGB is considered to be minimal.
- 10.6 The proposal accords with Policies S3, S6 and H4 of the Local Plan.

Access to the site (ULP Policy GEN1)

- 10.7 Access is a reserved matter however submitted plans show that the existing access would be utilised, widened and extended to the eastern side of the existing dwelling on the plot. Essex County Council highways Authority have no objection to this, as using the existing access would not have any adverse impact on highway safety.

Design (ULP Policy GEN2 & SPD Accessible Homes and Playspace)

- 10.8 Appearance, scale and layout are reserved matters however the application contains indicative details relating to the size and type dwelling proposed.
- 10.9 The indicated parameters would be comparable to the scale of the new dwellings that have been approved at the abovementioned sites. The building would be 1½ storeys whilst the majority of dwellings that front Chelmsford Road are two-storey. Therefore the proposal would not be overly dominant or visible within the street scene. A dwelling of the proposed scale would be compatible with the character of the surrounding buildings.
- 10.10 The indicated drawings show that the building has been designed so that all first floor windows would be situated in the rear elevation which would avoid any overlooking into the rear of the neighbouring properties. The building is not significant in height and a dwelling could be erected to avoid any materially harmful impact on the neighbouring properties by way of causing loss of light or by being unduly overbearing.
- 10.11 There is ample room within the site to provide a private amenity area for the new dwelling. Whilst the amenity area of the existing dwelling 'Bywell' would be significantly reduced, the plans indicate that there would be a private area of 126sqm to its rear which is in excess of the requirement within the Essex Design Guide.
- 10.12 The new access road would be located to the east side of Bywell and to the west of Friars Lea. The impact of vehicles from one new dwelling in terms of noise and disturbance would be minimal.

Nature Conservation (ULP Policy GEN7)

- 10.13 A Preliminary Ecological Appraisal Report has been submitted with the application. The survey information details that the site is of very low ecological value, with little biodiversity other than the potential to support breeding birds. As such, the proposal would not result in any harm to a protected species.

Vehicle Parking Standards (ULP Policy GEN8 and ECC Parking Standards)

10.14 The submitted indicative layout details show that there would be adequate space within the site to provide sufficient parking and turning areas to meet the current vehicle parking standards.

11.0 CONCLUSION

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

- The principle of backland development in this location has already been set by an appeal decision and subsequent permissions to the west of the site.
- The proposal would have no adverse impact on the openness of the MGB or the appearance of the street scene
- All matters are reserved however the indicative plans show that the dwelling could be accommodated as to have no adverse impact on the amenities of neighbouring residential
- There would be no adverse impact on highway safety

RECOMMENDATION – CONDITIONAL APPROVAL

1. Approval of the details of the layout, access, scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. (A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

(B) The development hereby permitted shall not be begun later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

REASON: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
