

UTT/13/0275/FUL – (GREAT CHESTERFORD)

(Referred to Committee by Councillor Redfern. Reason: Grounds of impact on the Conservation Area and Listed Building)

PROPOSAL: Erection of dwelling

LOCATION: Land adjacent to Carmel Street Chapel, Carmel Street, Great Chesterford

APPLICANT: Mr John Huggins

AGENT: Mr Timothy Poulson

GRID REFERENCE:

EXPIRY DATE: 8 April 2013

CASE OFFICER: Nicholas Ford

1.0 NOTATION

1.1 Within Development Limits. Conservation Area. Affects the setting of a Listed Building.

2.0 DESCRIPTION OF SITE

2.1 The application relates to a hard and soft landscaped garden to the south east elevation of Carmel Street Chapel, Carmel Street. The Chapel is of 19th Century origins, two storey proportions with open internal volume and Grade II listed. There is a low brick built wall bounding the public footpath with pedestrian access onto Carmel Street. To the north is a high flint wall with garden beyond and a two storey dwelling named Orchard Cottage. To the south east lies the front curtilage of Orchard Cottage. To the south, on the opposite side of Carmel Street, are Campden House and Whitefriars. These are two storey detached houses with a garage to their front which is immediately opposite the application site.

3.0 PROPOSAL

3.1 The application proposes the erection of a detached two storey, four bedroom detached dwelling. The dwelling would be about 7 metres high to its ridge, with eaves of about 5 metres. Its front elevation would face north west towards the chapel. Parking provision for two off road spaces is indicated with access via a 4 metre wide crossing, in lieu of wall, onto Carmel Street. Gardens are indicated in part to its north east elevation and in part between the dwelling and Carmel Street.

4.0 APPLICANTS CASE

4.1 See Design and Access Statement.

5.0 RELEVANT SITE HISTORY

5.1 On 28 December 2011 planning permission was refused for the erection of two dwellings (UTT/2013/11/FUL). The application was refused due to overdevelopment in relation to the number of dwellings, their size and siting. Limited private amenity

space and inadequate parking provision would be harmful to the amenity of occupiers and highway safety by causing inappropriate obstruction and hazard to other road users contrary to Policies GEN1, GEN2 and GEN8 of the Uttlesford Local Plan adopted 2005.

6.0 POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S3 – Other Development Limits
 - Policy ENV1 – Design of Development within Conservation Areas
 - Policy ENV2 – Development affecting Listed Buildings
 - Policy GEN1 – Access
 - Policy GEN2 – Design
 - Policy GEN8 – Vehicle Parking Standards
 - Policy ENV3 – Open Spaces and Trees
 - Policy ENV8 – Other Landscape Elements of Importance for Nature Conservation
- Great Chesterford Conservation Area Appraisal
 - Supplementary Planning Document – Accessible Homes and Playspace

7.0 PARISH COUNCIL COMMENTS

- 7.1 Object. Great Chesterford Parish Council does not object to the principle of development as this site is within the development limit of Great Chesterford. However, Policies ENV1 and ENV2 relate to impact on the Conservation Area and the Listed building and this application fails to meet these policies for the reasons listed below.

The proposal represents an incongruous and alien feature in this part of the street scene due to its size, modern design and overbearing nature in relation to the adjacent Chapel building. The site is currently a delightful parterre garden with flagstone paths. This small garden forms an important open space in the street scene and enhances the setting of the Chapel building. The loss of this space would be detrimental to the quality and fabric of this part of the conservation area. Therefore it is considered that this development is not in keeping with the Conservation Area and does not comply with Local Plan Policy ENV1.

The proposal, due to its scale and massing, is not subservient to the adjacent listed building and therefore it is considered to detrimentally impact the setting of the listed building and therefore is not in compliance with Local Plan Policy ENV2. The design of the proposed new dwelling should be balanced against the loss of the open space and setting of the Chapel in the context of the Conservation Area and in this case the proposed new build would visually compete with the Chapel building.

The proposal represents the loss of amenity land which has been identified as an Asset of Community Value and provides an important open feature within the Conservation Area.

There are concerns in relation to the impact on highway safety due to the introduction of a new driveway in this location and loss of street parking for Chapel users. There are concerns that the level of parking proposed is not in accordance with the new parking standards recently adopted by Uttlesford District Council.

In addition, the garden carries strong religious significance with the presence of a dominant cross some 4 meters high and is thoughtfully designed with areas to sit and reflect. It contains a maze of paths which young children run in and out of on their way to and from school, and also the toddler group meetings that are held in the Chapel. The garden represents more than just a visual support to the Conservation Area, it makes a significant contribution to the character of the centre of the village.

8.0 CONSULTATIONS

8.1 Highway Authority

No objection subject to conditions.

8.2 Access and Equalities Officer

The SPD on Lifetime Homes has been complied with. No irregularities.

8.3 ECC Archaeology

Recommends a condition to agree a programme of archaeological work.

8.4 The Congregational Chapel is a yellow brick structure of C19 origins, listed grade II. The building is of two storey proportions but forms an open volume internally. The proposal subject of this application is to form a new dwelling in a parcel of land adjacent to the chapel.

The parcel of land in question used to be an unsightly car park some years ago, but has been turned into a very pretty and well maintained garden with box hedges, flowers and shrubs and modern dwarf wall laid in stretcher bond at the edge of the footpath. It could be said that this area now positively contributes to the character of the conservation area. However, the chapel elders do not appear to value the garden and propose to develop the site. I consider that on balance there would be insufficient conservation reasons to refuse the principle of development based on the visual value of this small garden.

The new house would be traditional in overall form with pitched, natural slate roof and plastered walls, but contemporary in the elevational treatment including vertically emphasised glazed screens fenestration. The suggested fenestration cleverly echoes the concept of chapel windows which also extend almost from ground level to the eaves. This subtle link between the two buildings results in the successful juxtaposition between the historic and the modern.

I consider that the new dwelling would form a worthy C21 addition to the conservation area not unlike another by this some architect off Rose Lane. Consequently if there are no planning objections I suggest approval subject to conditions.

8.5 Landscape Officer

There are no trees within application site which are worthy of protection. The submitted tree survey and assessment has identified the off-site cedar tree adjacent to the eastern boundary of the application site as being a feature in the street scene. The proposed no dig and ground protection area as detailed on dwg. no. LD13116 would provide a safe guard against the risk of the roots of this tree being damaged. Recommended that in the circumstances of planning permission being granted a condition is applied requiring details of proposed protective measures to ensure that the cedar tree is safeguarding.

The site is currently a delightful parterre garden with flagstone paths. This small garden forms an important open space in the street scene and enhances the setting of the Chapel building. The loss of this space would I believe be detrimental to the quality and fabric of this part of the conservation area. The design of the proposed new dwelling is considered to be architecturally sound and of merit, however, this should be balanced against the loss of the open space and setting of the Chapel in the context of the conservation area. I consider that in this case the proposed new build would visually compete with the Chapel building. This would be detrimental of the setting of this listed building, compound by the loss of the open space the garden provides.

9.0 REPRESENTATIONS

- 9.1 Chertwall, July Cottage, Campden House, The Cottage, Orchard Cottage, Maybury House, Whitefriars, 25 Jacksons Lane, 47 Pilgrims Close, July Farmhouse, River Green House. Comments summarised:

Previous reasons for refusal not addressed
Inappropriate bulk and mass adjacent listed chapel
Dwelling would dominate the Chapel and adversely affect its setting
Modern architecture is inappropriate in the Carmel Street Conservation Area
The garden provides open space that breaks up the street and provides a side view of the Chapel – conceal the Chapel
No account of views in and out of the site
Little account of materials of neighbouring buildings
Loss of an Asset of Community Value
Vital area for children and those enjoying the garden
Inadequate off road parking provision
Formation of an access would shift visitor parking exacerbating a problem
Vehicles would need to reverse into the street with safety concerns
Visibility is for vehicles using the access due to parked vehicles
Reduction of roadside parking
Vehicles supplying the project are a safety issue
Overlooking of Chertwell and Campden House
Overbearing to July Cottage and Orchard Cottage
Loss of light to Campden House, Whitefriars and the Chapel
Overshadowing Orchard Cottage
Insufficient amenity space for occupiers
Archaeological value of the site should be considered
There is a well on site
Impact on trees

10.0 APPRAISAL

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

Whether the erection of a dwelling would be acceptable in principle, be compatible with the scale, form, layout, appearance and materials of surrounding buildings, preserve or enhance the character and appearance of the Conservation Area and preserve the setting of a listed building (NPPF and ULP Policies S3, H3, GEN2, ENV1 and ENV2)

The application site is within the development limits of Great Chesterford and thus there is a presumption in favour of development subject to detail. It is not Protected Open Space identified in the adopted local plan or the Conservation Area Appraisal. The principle of the erection of a dwelling on this site has already been considered in an application determined at the end of 2011. At that time it was recognised that the garden is a feature which the community make use of and value but the loss of the facility or its visual benefit would not be sufficient reason for refusal since it enjoys no statutory protection, is privately owned and could cease being available in its current form at any time.

Concern related to the fact that the site has been designated a community asset and this would be lost. At the present time Policy RET2 – that protects community facilities including those identified in the list of Assets of Community Value – has no weight as it has not been tested. This has no significant implications for planning considerations until such time as the new local plan is adopted. The notification process for disposing of a Community Asset is different to the planning process. If the owner wished to sell, the Council would be informed and the Parish and community organisations informed to see if they wished to consider purchase. This has no bearing on the planning application process.

Accepting the principle of development, the Conservation Officer supported the previous proposal in relation to its siting, scale and appearance. The Conservation Officer advises that, whilst the garden has a positive contribution to the Conservation Area there are insufficient conservation reasons to refuse development. She also considers that the building has traditional form with contemporary treatment to elevations including vertical emphasis to glazing to echo the concept of chapel windows, providing a subtle link between historic and modern and a worthy addition to the Conservation Area. The Landscape Officer has misgivings regarding loss of open space and its value to the setting of the chapel as detrimental to the Conservation Area but this does not acknowledge that a previous planning application has considered this and not refused development for such reason. This is material to consideration. The siting ensures that the side elevation of the chapel would remain open to view and space around the building would be maintained. The previous scheme was recognised as a modern approach with minimalist elevational treatment but was considered to complement the chapel, street scene and Conservation Area rather than detract being a contrast to traditional elements and a good example of modern architecture.

The application drawings indicate two areas of amenity provision for occupiers of the new dwelling, a private garden to the rear of the dwelling and a courtyard garden between the dwelling and Carmel Street. The courtyard garden would comprise some 13 sqm and the private garden some 60 sqm (total of about 73 sqm). The Essex Design Guide suggests a minimum garden size of 100 sqm for most houses and particularly 3 + bedrooms. Whilst the layout falls short of such provision there is amenity space available within walking distance at House River Green and the Essex

Design Guide acknowledges that gardens that are restricted due to townscape reasons, occupiers would have the choice as to how much private garden area they require.

Whether access would be appropriate having regard to highway safety and whether there would be sufficient off road parking (ULP Policies GEN1 and GEN8).

Access is proposed onto Carmel Street. There was formerly an access in this location serving a car park that was present before garden. Consideration of the previous scheme identified no objection to the use of the access and nor did the Highway Authority with regard visibility or intensification. The applicant identifies turning within the site for two vehicles so as to turn and access within the site. Whilst representations consider this not to be possible, it is understood the Highway Authority would not object to reversing onto Carmel Street due this being an unclassified road. There is already a drop kerb in place and the physical arrangement would meet their requirements.

The previously refused application held that off road parking provision would be below minimum provision (at that time) of two spaces per dwelling. The reduction in quantum of development from two to one dwelling seeks to overcome this. Two off road parking spaces are indicated. On 11 February, when the application was submitted, this was in accordance with the standard (2+bedroom = 2 spaces per dwelling minimum). However, during the application process on 19 February 2013, Cabinet approved an updated local standard such that dwellings with 4+ bedrooms require a minimum of three spaces per dwelling. The application fails the new standard in quantum but meets it in dimensions. But a pragmatic approach must be adopted given the transition between the two standards. Given this and the fact that the Highway Authority has not objected to such provision, no objection is raised.

Representations object to the loss of on street parking to provide access. The Local Planning Authority has a duty to consider whether there is sufficient off road parking for the use proposed and not casual on street parking. In any event the width of the access at 4 metres is less than that of the parking standard for the length of a car at 5.5 metres.

Whether there would be harm to the residential amenity of neighbouring properties as a result of overlooking, overbearing or overshadowing impact (ULP Policy GEN2).

Many of the first floor habitable room windows would face the Chapel. Those facing Orchard House are related with a dressing room and bathroom and although in close proximity can be obscure glazed and fixed shut by condition. There would be a bedroom window facing south towards Orchard Cottage and within about 3.5 metres of its boundary. This however faces the front garden adjacent Carmel Street so no objection is raised. There would be no significant impact on the Chapel itself, the building being no closer than the previous scheme which was found to have an acceptable relationship. There would be no significant impact on the amenity of Whitefriars and Campden House on the opposite side of Carmel Street. It is considered that the dwelling would not be overbearing or overshadow.

Representations refer to noise and disturbance during construction. For all construction sites in built up areas it is inevitable that occupiers of properties would experience short term disruption through movement of vehicles and construction itself. This is an accepted facet of the development process and not one that can

warrant refusal. The Environmental Protection Act 1990 is used to prevent noise nuisance should this occur during construction works.

Whether the development would preserve visually important trees (ULP Policy ENV3).

The Landscape Officer advises that there are no trees within application site which are worthy of protection and has considered the proximity of the proposed dwelling in relation to trees. Particularly those to the east boundary, including a Cedar, within Orchard House with visual amenity merit. The submitted tree survey and assessment has identified the off-site cedar tree adjacent to the eastern boundary of the application site as being a feature in the street scene. The proposed no dig and ground protection area as detailed would provide a safe guard against the risk of the roots of this tree being damaged. A condition is suggested requiring details of proposed protective measures to ensure that the cedar tree is safeguarded.

Whether development would be appropriate in the context of a site with archaeological importance (ULP Policy ENV4 and the NPPF).

The County Archaeologist has advised that the site lies in a highly sensitive area to the east of the Roman walled town of Great Chesterford in the area of the suburbs with previous excavations in the immediate area recovering evidence of Roman occupation. There is also potential for medieval deposits. Any groundwork is likely to destroy important archaeological deposits and therefore the archaeologist recommends a full programme of archaeological work be carried out before groundwork or development by condition.

11.0 CONCLUSION

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

Subject to conditions it is considered that the siting, scale and design of the dwelling would preserve the character and appearance of the Conservation Area and the setting of the adjacent listed building. In addition, sufficient off road parking provision and garden would be provided so as not to result in overdevelopment. The amenity of neighbouring properties would be preserved.

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. Prior to commencement of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

3. Prior to commencement of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

REASON: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with Policy GEN1 of the Uttlesford Local Plan adopted 2005.

4.
 - a) The bathroom and dressing room window in the north east elevation on the approved plan shall be fixed shut and obscure glazed with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority. Glazing of that obscuration level shall thereafter be retained in those windows.
 - b) Other than the windows shown on the approved drawings to which this planning permission relates, no windows or other form of opening shall be inserted into the north east and south east elevations or roof slopes of the dwelling hereby permitted without the prior written consent of the local planning authority.

REASON: To avoid overlooking of the adjacent property in the interests of residential amenity in accordance with Policy GEN2 of the Uttlesford Local Plan adopted 2005.

5. 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 in accordance with Policy GEN2 of the Uttlesford Local Plan adopted 2005.

6. No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant, agent or successor's in title and approved in writing by the Local Planning Authority.

REASON: In the interests of investigation and recording archaeological remains in accordance with Policy ENV4 of the Uttlesford Local Plan adopted 2005 and the NPPF.

7. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - Trees in Relation to Construction - Recommendations has been submitted to and approved in writing by the local planning authority. The scheme shall include:
 - (a) All tree work shall be carried out in accordance with British Standard BS3998 - Recommendations for Tree Work.

- (b) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
- (c) No equipment, machinery or structure shall be attached to or supported by a retained tree.
- (d) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.
- (e) No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.

The development shall be carried out in accordance with the approved details.

REASON: To ensure the protection of trees within the site in accordance with Policies GEN2, GEN7 and ENV8 of the Uttlesford Local Plan (adopted 2005).

8. Before development commences large scale drawings indicating typical eaves, plinth and fenestration details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and retained.

REASON: In the interests of the character and appearance of the Conservation Area and the setting of the listed building in accordance with Policies ENV1 and ENV2 of the Uttlesford Local Plan adopted 2005.

9. Before development commences samples of materials shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and retained.

REASON: In the interests of the character and appearance of the Conservation Area and the setting of the listed building in accordance with Policies ENV1 and ENV2 of the Uttlesford Local Plan adopted 2005.

INFORMATIVE

All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made to Essex County Council on 0845 603 7631.