

UTT/13/0712/HHF – (MANUDEN)

(Referred to Committee by Cllr Loughlin. Reason: Overdevelopment of the site. Overbearing building in a rural location. Impact on neighbouring properties. Within the curtilage of listed buildings. Controversial application)

PROPOSAL: Demolition of existing workshop/store and erection of replacement garden building. Erection of detached studio/home office/annexe.

LOCATION: Broom Cottage, Mallows Green Road, Manuden

APPLICANT: Mr and Mrs G Alldridge

AGENT: Andrew Stevenson Associates

GRID REFERENCE:

EXPIRY DATE: 7 May 2013

CASE OFFICER: Nicholas Ford

1.0 NOTATION

1.1 Outside Development Limits. Affects the setting of a listed building.

2.0 DESCRIPTION OF SITE

2.1 Broom Cottage is a one storey with attics dwelling located west of Manuden on the southern side of Mallows Green Road. The building is Grade II listed and of 18th to 19th Century origins. It is timber framed and plastered under a thatched roof. There is a rear garden extending south on gently rising ground. At the rear of the garden close to the boundary with Broom Barn is a detached and weatherboarded garage facing north with access onto an adjacent road for vehicles and an outbuilding abutting the boundary. This is a rural location with a handful of dwellings surrounding including the curtilage of Broom Lodge to the west.

3.0 PROPOSAL

3.1 The application proposes the demolition of the outbuilding to the rear boundary and the erection of a new outbuilding at right angles to the existing garage roughly orientated north south. This would provide home working space and accommodation for visiting family members. A summerhouse is also proposed to replace an existing shed between this and the dwelling.

3.2 The new building would have a footprint of about 9.7 x 5.2 metres, rising to a ridge height of about 5.5 metres and with eaves of about 2.4 metres under a pitch roof. Materials would comprise painted weatherboarding over a brick plinth with a clay plain tile roof.

3.3 The summerhouse would be of octagonal plan and about 3.3 metres at its tallest. It would be constructed of softwood.

4.0 APPLICANTS CASE

4.1 See Design and Access Statement.

5.0 RELEVANT SITE HISTORY

5.1 None.

6.0 POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- Policy S7 (The Countryside)
- Policy GEN2 (Design)
- Policy GEN7 (Nature Conservation)
- Policy ENV2 (Development affecting Listed Buildings)

7.0 PARISH COUNCIL COMMENTS

7.1 Manuden Parish council strongly oppose this application principally on the grounds of overdevelopment. We request that the application be called in so that the planning committee can see the visual impact that this will have on the area and fully realise the effects that this overdevelopment will have. The effects of permitting this will probably cause the loss of a large walnut tree and other well established trees.

7.2 It seems that present policy is to allow any small nook and cranny to be developed without showing any concerns for local views and opinions; this will be another step in destroying the natural character of the neighbourhood with a beautiful cottage being ruined.

7.3 The Council are also concerned with the change of use from a garage to studio/home office / annex with the likely possibility that this will lead to this becoming a separate dwelling.

8.0 CONSULTATIONS

8.1 Conservation Officer: Broom Cottage is a timber framed and plastered thatched building of 18th Century origin which has been substantially extended in the 20th Century. The dwelling is located in a rural position some considerable distance away from the village of Manuden.

8.2 The proposal subject of this application is to remove a modern outbuilding and erect an alternative single storey building which would serve home office, garden store and hobby room in the attic. In addition it is proposed to form a modest summer house all some distance away from the original dwelling.

8.3 I consider that in terms of design both new structures respond well to rural vernacular and being located away from the cottage would not have unduly damaging effect on its setting. I suggest however that the indicated French door and balcony at first floor level of the north elevation be omitted so that any dwelling like characteristic are

avoided. In conclusion and should there be no planning objection I suggest approval subject to conditions.

- 8.4 Landscape Officer: The walnut tree is a well formed specimen with no obvious signs of defects. The tree is shown to be retained as part of the proposed development. Whilst part of the new build would fall within the root protection area of the tree, if protective measures are put in place during construction and a building foundation solution is used which minimises the potential impact on the tree, then I would not find reason to object to the proposals. Whilst the tree is a fine specimen, it is not seen from public vantage points and consequently would not be considered to be of an amenity value worthy of being made the subject of a tree preservation order.

9.0 REPRESENTATIONS

- 9.1 Broom Lodge – Object. Overdevelopment of the site. The new building has the potential to become a separate dwelling. There is a change of use from a garden shed to a business property. I am concerned about the number of clients requiring access to the new business property reached via a private lane owned by me and the single track Mallows Green Road. I am concerned about the preservation of a large walnut tree with footings so close. I am concerned about the impact of such a high building on the rural feel of the immediate area. If the Council allows this development they set a precedent for every home in the village to construct a potential separate dwelling in their garden.

10.0 APPRAISAL

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

Whether the outbuildings would be compatible with the scale, form, layout, appearance and materials of surrounding buildings, preserve the character of the countryside and the setting of adjacent listed buildings and the amenity of adjacent properties (NPPF and ULP Policies S7, GEN2, GEN7 and ENV2).

- 10.1 The existing outbuildings are not of special architectural or historic interest and it is doubtful if indeed they date from before 1 July 1948. No evidence as to their date has been provided, so it must be assumed that they are post 1948, consequently listed building consent for their demolition is not required. Formation of new detached structures in the curtilage of listed buildings requires planning approval only; consequently listed building consent for this work should not be issued. The applicant's agent has confirmed in writing that they do not believe listed building consent is required.
- 10.2 Whilst the application site relates to land outside of development limits and therefore countryside, this need not mean that new buildings are unacceptable if related to domestic use and of appropriate scale and appearance. Such domestic ancillary use is proposed here to replace existing outbuildings with scale and appearance considered sympathetic to rural surroundings.
- 10.3 Both new structures would respond well to rural vernacular and would not have a detrimental effect on the setting of the listed building. The summerhouse would be modest and both buildings some distance from the listed building.
- 10.4 The Landscape Officer advises that the walnut tree is a fine specimen with no obvious defects. However, it cannot be seen from public vantage points and consequently would not be considered to be of an amenity value worthy of being

made subject of a tree preservation order. A condition can agree protective measures during the course of construction.

- 10.5 It is not considered that a bat survey is necessary in this instance in respect of relatively modern structures that are not traditional farm buildings and are subject to human disturbance. In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.” This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010. Recent case law has established that local planning authorities have a requirement to consider whether the development proposals would be likely to offend Article 12(1), by say causing the disturbance of a species with which that Article is concerned, it must consider the likelihood of a licence being granted.
- 10.6 The tests for granting a licence are required to apply the 3 tests set out in Regulation 53 of the Habitats Regulations 2010. These tests are:
- 10.7 The consented operation must be for “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”; and
- 10.8 There must be “no satisfactory alternative”; and the action authorised “will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”.
- 10.9 It is considered from the above that the first two tests of NERC have been met with regard to the proposal as submitted and that the proposal is unlikely to impact on the third test given the nature and scope of the proposal.
- 10.10 By virtue of their location there would be no significant harm to residential amenity as a result of overlooking, overshadowing or overbearing impact.

11.0 CONCLUSION

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

- 11.1 The proposed outbuildings acceptable because they would preserve the setting of the listed building, the character and appearance of the countryside and the amenity of neighbouring properties.

RECOMMENDATION – CONDITIONAL APPROVAL

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

REASON: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 (as amended).

2. The buildings hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Broome Cottage, Green Road, Manuden, CM23 1BP

REASON: To avoid over development of the site and because the site is located in an area where permanent new residential dwellings are not normally permitted in accordance with Policies S7 and GEN2 of the Uttlesford Local Plan adopted 2005.

3. All external timber and all external windows to the studio hereby permitted shall be painted black. All external weather-boarding to the studio shall be feather-edged and painted black. Wall and external joinery to the summerhouse shall be painted timber in a colour which shall previously have been submitted to and approved in writing by the Local Planning Authority. Subsequently, the materials shall not be changed without the prior written consent of the local planning authority.

REASON: In order to preserve the setting of the listed building in accordance with the National Planning Policy Framework and Policy ENV2 of the Uttlesford Local Plan adopted 2005.

4. The roof to the studio shall comprise hand-made clay plain tiles in accordance with a sample to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved materials and retained.

REASON: In order to preserve the setting of the listed building in accordance with the National Planning Policy Framework and Policy ENV2 of the Uttlesford Local Plan adopted 2005.

5. The roof to the summerhouse shall be formed of natural shingles in accordance with a sample to be submitted to and approved in writing by the Local Planning Authority and thereafter retained.

REASON: In order to preserve the setting of the listed building in accordance with the National Planning Policy Framework and Policy ENV2 of the Uttlesford Local Plan adopted 2005.

6. Notwithstanding the submitted drawings hereby approved the French door and balcony to the north elevation of the studio shall be omitted.

REASON: In the interests of the setting of the listed building so as to avoid a domestic and prominent appearance in accordance with the National Planning Policy Framework and Policy ENV2 of the Uttlesford Local Plan adopted 2005.

7. All new rooflights shall conservation range and thereafter retained.

REASON: In order to preserve the setting of the listed building in accordance with the National Planning Policy Framework and Policy ENV2 of the Uttlesford Local Plan adopted 2005.

8. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained tree (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) Details of building foundation solution to minimise impact on the tree
- (c) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within [5 years] from [the date of the occupation of the building for its permitted use], other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.
- (d) If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and planted at such time as may be specified in writing by the local planning authority,.
- (e) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
- (f) No equipment, machinery or structure shall be attached to or supported by a retained tree.
- (g) 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.
- (h) 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 ENV3 of the Uttlesford Local Plan (adopted 2005).