

UTT/13/0772/FUL (GREAT DUNMOW)

(Referred to Committee by Cllr Mackman. Reason: outside development limits and possible overdevelopment)

PROPOSAL: **Erection of Detached Dwelling**

LOCATION: **21 Clapton Hall Lane, Great Dunmow,**

APPLICANT: **Mr David Taylor**

AGENT: **N/A**

GRID REFERENCE: **563097/220747**

EXPIRY DATE: **15 May 2013**

CASE OFFICER: **Miss S Wellard**

1. NOTATION

1.1 Outside Development Limits

2. DESCRIPTION OF SITE

2.1 This application relates to a detached dwelling and its curtilage located to the south side of Clapton Hall Lane. The site is located just outside of the town development limits. The lane is protected to the frontage of the dwelling and to its west, and has been a no-through road since the new A120 was constructed. The dwelling on the plot is sizable and has had a number of extensions over the years, most recently a single-storey extension to the west side to form a garage/workshop. The dwelling has a mix of external materials to its elevations including render, hanging tiles and timber boarding. The site is bound by close-boarded fencing with a mature tree screen to the western side boundary, fencing and hedging to the rear and hedging along the frontage.

3. PROPOSAL

3.1 It is proposed to erect a detached dwelling in the rear garden of the site to the south west corner. The dwelling would have a rectangular shape with dimensions of 8.7m in depth and 5.5m in width. It would comprise two-storeys with an eaves height of 4.4m and ridge height of 7.8m. It would form a two bedroom property with its own curtilage. The building would have external materials of black featheredged boarding at first floor level and cream render at ground floor level under a red tiled roof. A new access would be created from Clapton Hall Lane with space for the parking of two vehicles at the site entrance with a footpath of approximately 35m which would lead to the house. The proposal would involve the removal of a number of existing trees and shrubs and part of the hedge to the site frontage. New vegetation/trees would be planted along the eastern side boundary.

4. APPLICANT'S CASE

4.1 Outlined in Design & Access Statement - We prefer this dwelling to be relatively modest to avoid impact unduly on The Groves. The cottage has been designed to match the style and finish of The Groves and is appropriate in this semi-rural location.

The site is within walking distance from the town centre and public transport. Outlines compliance with Lifetime Homes Standards.

5. RELEVANT SITE HISTORY

- 5.1 UTT/0003/95/OP Planning permission was refused in 1995 for the erection of a house and garage on land to the south west of the main house. The application was refused as it would result in an addition to sporadic development in the countryside detrimental to the appearance of the rural locality.
- 5.2 There is extensive history for extensions to the main dwelling, most recently in 2009 (UTT/1391/09/FUL) for the erection of a garage/workshop to the west side of the building.

6. POLICIES

6.1 National Policies

National Planning Policy Framework (2012)

6.2 Uttlesford District Local Plan 2005

Policy S7 – The Countryside
Policy GEN2 – Design
Policy GEN1 – Access
Policy GEN8 – Vehicle Parking Standards
Policy GEN7 – Nature Conservation

SPD Lifetimes Homes

7. PARISH/TOWN COUNCIL COMMENTS

- 7.1 Comments awaited

8. CONSULTATIONS

ECC Highways

- 8.1 No objection subject to the imposition of conditions.

Anglian Water Ltd

- 8.2 No comment

Veolia Water

- 8.3 No comments received

9. REPRESENTATIONS

- 9.1 Site notice displayed and the occupiers of 2 neighbouring properties notified via letter. One letter of support received from 19 Clapton Hall Lane.

10. APPRAISAL

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

- A. The principle of development (NPPF, UDC Policies S7, GEN2)
- B. Impact on Visual Amenity/Design (UDC Policies S7, GEN2)
- C. Impact on Residential Amenity (UDC Policy GEN2)
- D. Parking and access (UDC Policies GEN1, GEN8, Local Parking Standards)
- E. Ecology (UDC Policy GEN7)

A - The principle of development

- 10.1 The site is located on the edge of (outside) the development limits of Great Dunmow. As such the site is located within the open countryside whereby Policy S7 of the Local Plan states that the countryside will be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. There will be strict control on new building. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.
- 10.2 Whilst there is a strong policy objection against development in the countryside, the Council is currently unable to demonstrate a five year land supply of deliverable sites for residential development. In such circumstances the NPPF specifies that "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites".
- 10.3 The proposed site is located on the edge of the town and just outside of the development limits. The site is considered to be a sustainable location as the town centre is in walking distance where there is a good array of services and facilities as well as access to public transport.
- 10.4 The site to the front (north) of The Groves has recently been granted outline permission at appeal for the erection of up to 100 new dwellings (UTT/1255/11/OP) on land outside of the established Development Limits. Further, an area of land to the east/south east is proposed to be recommended for development in the emerging Local Plan for the erection of 300+ houses and 3 hectares of employment land.
- 10.5 Given the sustainable location of the site and the proposed development that is likely to be undertaken immediately to the north and south east of the plot, in this instance it is considered that there can be no objection to the principle of the development.

B. Impact on Visual Amenity/Design

- 10.6 The new dwelling would be located to the rear south west corner of the plot. It would have two-storeys but the first floor rooms would be situated partly in the roof space and therefore the height of the building would be minimised. It would have a ridge height approximately 2m lower than that of The Groves and would be constructed of external materials that would reflect those of the existing dwelling of the site. Its appearance and design would be appropriate to the locality.
- 10.7 From the approach on Clapton Hall Lane the dwelling would be situated behind The Groves and would be relatively inconspicuous. Immediately to the west of the site is close-boarded fencing with a mature tree screen on the land to the west. This would screen the building from the west. The dwelling would be set well back within the plot.

It would be partly screened from the site frontage by the existing single-storey extension to The Groves. It is proposed to retain some existing vegetation within the site area to help screen the building from the road. There is a field to the rear of the plot and the A120 is located approximately 80m to the south. The proposed building is relatively unimposing and would not be unduly over dominant from any views from the rear/A120.

- 10.8 The plot would have a rear private amenity area of approximately 75sqm which would accord with the requirement of the Essex Design Guide that dwellings of 2 bedrooms should have a minimum of 50sqm.
- 10.9 Given the above, it is not considered that the proposal would have significantly adverse impact on the visual amenities of the locality in this instance.

C. Impact on Residential Amenity

- 10.10 The only neighbouring residential property that would be affected by the proposed development is the existing dwelling on the site, The Groves. The dwelling would be set to the rear/side of the existing house and at its closest point would be a distance of approximately 15m away. Given its location, it would not be unduly overbearing on The Groves or cause any significant loss of light. The new dwelling would be angled so that there would be no significant impact by way of causing loss of privacy. The building would have first floor windows in the front and rear elevations. The first window would overlook the existing garage/workshop. There may be some overlooking of the rear of the main house but this would be at an obscured angle and therefore the impact would not be so great that the application would be recommended for refusal for this reason. A close-boarded fence of 2m in height would be erected between the properties and new trees planted within the garden of The Groves which would further screen the development from the existing dwelling.
- 10.11 Given its proposed location and layout, it is not considered that the proposal would have any significant adverse impact on the amenities of the neighbouring residential property.

D. Parking and access

- 10.12 Two parking spaces are proposed to the front of the site on a gravelled hardstanding of 5.5m in depth and 6.8m in width. This is adequate to comply with the adopted Essex County council Vehicle Parking Standards. ECC Highways have commented that they have no objection subject to the imposition of conditions.
- 10.13 The house is separated from the parking area by approximately 35m and is accessed via a footpath. The access to the site at this point is narrow and the proposed layout enables existing trees and vegetation to be retained to soften the appearance of the site. The Council's Access and Equalities has commented that with regard to the SPD on Lifetime Homes we require that the distance from the car parking space to the home should be kept to a minimum and from the scale drawing, this is approximately 35metres. If an applicant for a Blue Badge is unable to walk 30metres in total, due to pain or breathlessness, then a Blue Badge would be awarded for that particular distance. Whilst the distance between the parking and dwelling is not ideal, it is not considered that this alone could be a reason to refuse the application. The internal layout meets the requirements of the SPD on Lifetime Homes.

E. Ecology

- 10.14 Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.
- 10.15 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.
- 10.16 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:
- 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
 - 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”.
- 10.17 No ecological surveys have been submitted as part of the application.
- 10.18 The proposal would be located in the existing rear garden of The Groves and involves the removal a handful of established trees. There is a mature tree screen to the west boundary of the plot in close proximity to the proposed building.
- 10.19 A Biodiversity Questionnaire has to be submitted by the applicant of any application to assess the likely presence of protected species within or in close proximity to the application site. The questionnaire allows the council to assess whether further information is required in respect of protected species and their habitats. With regards to this application, the applicant has stated that the development is in a setting which has hedgerows, trees, scrub, grassland, rivers, lakes, ponds and ditches and the development involves the felling of trees, and removal of traditional orchard, scrub, line of trees, hedgerows and shrubs. Further, the development is within 100m of a pond. Given this situation, the applicant should then have considered whether the development could result in damage to the wildlife value of the site. The applicant has not provided any further information and has not consulted a suitably qualified ecologist.
- 10.20 Given the location of the site, the existing vegetation (to be retained and removed) and the proximity to two large ponds (which was noted on site and in the answers to the Biodiversity Questionnaire), it is considered that inadequate information has been provided to adequately assess the potential impact on protected species. It has

therefore not been demonstrated that there would be no detrimental impact on any protected species as a result of the development and the proposal is contrary to the requirements of Local Plan Policy GEN7.

11. CONCLUSION

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

A. Given the lack of five year land supply of housing in the district and the proposed development sites adjacent to the site, the principle of the development of this site is acceptable

B. The proposal would have no adverse impact on the amenity of any neighbouring residential property.

C. Parking provision and access are acceptable on balance.

D. No protected species surveys have been submitted as part of the application. It has therefore not been demonstrated that there would be no detrimental impact on any protected species as a result of the development and the proposal is contrary to the requirements of Local Plan Policy GEN7.

RECOMMENDATION – REFUSAL

The application fails to include adequate survey information to address the potential impacts of the development on protected species. The absence of any survey information prevents the local planning authority from fully assessing the impacts, and therefore from fulfilling its duty on biodiversity issues under Section 40(1) of the Natural Environment & Rural Communities Act 2006, Regulation 3(4) of the Conservation (Natural Habitats) Regulations 1994, Section 74 of the Countryside & Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010. The proposal is therefore contrary to the requirements of the NPPF and Policy GEN7 of the Uttlesford Local Plan (adopted 2005).