

## UTT/ 13/2912/FUL (HIGH RODING)

Referred to Committee by Cllr Barker. Reason: When an application for two houses was made for this site it was refused and rejected on appeal, the inspector stated that if the application had been for one house it would have been agreed. I believe that this would still hold true.

**PROPOSAL:**                    **Erection of 1 no. detached dwelling**

**LOCATION:**                    **Land adjacent Village Hall, Dunmow Road, High Roding**

**APPLICANT:**                **Mr A Hugo**

**EXPIRY DATE:**            **23 December 2013**

**CASE OFFICER:**           **Madeleine Jones**

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### **1. NOTATION**

1.1 Outside Development Rights. Conservation Area. Public Right of Way. Adjacent Listed Building

### **2. DESCRIPTION OF SITE**

- 2.1 The site is a piece of open land on the west side of the B184, in the centre of High Roding village, between a private dwelling and the Women's Institute Hall. Along the front of the site is a hedge, set back from the road and separated from the road by a grass verge and pavement.
- 2.2 The site is enclosed by close boarded timber fencing to the north, and western boundaries. The property to the south has first floor windows to the side elevation facing the site.
- 2.3 The site is rectangular in shape and is deeper than it is wide. In the south eastern corner of the site is an electricity substation.
- 2.4 A public footpath runs between the site and the Hall to the north. There is a field access point between the site and the hall which has a metal agricultural gate.

### **3. PROPOSAL**

3.1 The proposal is for the erection of a detached dwelling. The plans show that the dwelling would be 15.5m wide, 13m deep (reducing to 8.3m) and 6.7m high. The property would be four bedroom dwelling and accessed via the field access point to the north of the site. Parking would be provided to the front of the house.

### **4. APPLICANT'S CASE**

Design and Access statement (summary)

4.1 The proposed dwelling would provide a family home for a local family who had links to the village for over 28 years. The applicants are a local midwife and building contractor, employing people from the local area.

- 4.2 The proposal is for the erection of one bedroom dwelling on a site that measures 20m x 40 m at its deepest.  
The dwelling would be carefully designed to ensure it does not have any excessive impact to the neighbouring properties.  
Set on an obvious in-fill plot in the centre of the village, with the boundaries currently made up of existing hedging and fencing, providing privacy to both neighbouring properties and the main road.  
A single, high quality dwelling on this site would benefit the surrounding area and utilises a piece of land that has been derelict for some time, thus taking into account the governments views on land use and sustainable high quality development.  
The dwelling would be positioned on the site in a position that would be in keeping with the existing village, whilst allowing for off street parking  
The access point already exists and the site lines are good in both directions.  
The scale of the proposed dwelling will reflect surrounding properties. The approx. overall height would be 7.8m. The hedgerow will be preserved.  
Traditional housing dominates the village of High Roding. The proposed dwelling will be of timber frame construction with an external render finish on plinth brickwork, all prevalent to the village.

## **5. RELEVANT SITE HISTORY**

UTT/ 1151/91 Outline application for 2 No. detached dwellings refused. Dismissed on appeal.

## **6. POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework

### **6.2 Uttlesford District Local Plan 2005**

- S7 - The Countryside
- GEN1 - Access
- GEN2 - Design
- GEN7 - Nature Conservation
- GEN8 - Vehicle Parking Standards
- ENV2 - Development affecting Listed Buildings
- ENV1 – Design of Development within Conservation Area.
- H9 - Affordable Housing
- ENV3 - Open spaces and trees

#### **Supplementary Planning Documents:**

- Uttlesford Local Parking Standards
- SPD4 - Energy Efficiency and Renewable Energy
- SPD2 - Accessible homes and playspace
- EDG - Essex Design Guide
- SPD - Developers Contributions – Affordable Housing

## **7. PARISH/TOWN COUNCIL COMMENTS**

The Councillors of High Roding Parish Council have requested that the following comments are taken into account when considering the above application.

The site is outside the village development limit, it is not a brown field site, simply a piece of virgin agricultural land that has recently been fenced off from the field. Previous applications at Ware Farm & Rands Road have been turned down on the grounds that they were outside the limit.

The recently completed Conservation Area Appraisal states that “open spaces within the existing Conservation Area play an important function in adding to the high quality and diversity of the environment particularly” *several locations are mentioned including* “the open arable field in the centre of the village..

If this application was approved it could set a precedent for development on agricultural land outside the village development limit which would result in the village losing its identity.

A previous application to build on this land was refused on the grounds that” The site is a prominent and sensitive part of the Conservation Area contributing an open character in the street scene. The proposed development would result in the loss of this feature and would neither enhance nor preserve the character of the Conservation Area”

Should planning permission be granted for this site, it would set a precedent for other road fronting sites along Dunmow Road

## **8. CONSULTATIONS**

### **Access and Equalities officer**

- 8.1 Review of Design and Access Statement and the plan submitted dated 25/10/13 supports the requirements of the SPD on Accessible Homes and Play space. No objections.

### **Conservation Officer**

- 8.2 The proposal subject of this application is the formation of a dwelling in the parcel of land located in High Roding Conservation Area. The site is an area of open land which has been taken out of development limits to protect it from development in recognition of its significance to the form and character of the village.

High Roding is a small, predominantly linear village located in the open countryside. Its character is typified by a mixture of tightly knit frontage development and more scattered arrangement with numerous listed buildings ranging from 14 to 19 century.

The picturesque character of the village together with its early historical content has been recognised by the designation of a Conservation Area in 1977. The rural appearance of the local landscape surrounding High Roding is specifically gratifying and its views through occasional gaps between the buildings greatly contribute to the special character of the conservation area.

Policy ENV1 (Development within Conservation Areas) seeks to preserve or enhance the character and appearance of essential features of a Conservation Area.

This policy reflects the thrust of the statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

The site subject of this application provides one of the infrequently available places on the western side of the village from where it is possible to appreciate the views into the wider agricultural land. The proposed dwelling would substantially fill in the available space so important to the character of the village and the established rhythm of the street. It would serve to consolidate the development along the western side of the main road by removing an important window to the countryside beyond.

I find the suggested development also unacceptable in terms of design and positioning. Majority of the historic buildings in the locality, are simple vernacular structures of narrow spans and modest vertical proportions with low key elevational treatment. The proposed building would be of T plan form with wings of 15m and 13m long. The selection of gable ends, repetitive dormers and down pipes, jettied cross wing, two storey utility and two storey glazed gable element overlooking the countryside, would appear messy and give building sense of prominence visually overpowering the listed cottages in the vicinity. In addition, setting the building some distance away from the edge of the footpath, would conflict with the linear characteristics of the village to the detriment of the special character. In conclusion and for above reasons I find this proposal damaging to the special character of High Roding Conservation Area and suggest refusal of this application.

### **Essex County Council - Highways**

- 8.3 The Highway Authority would not wish to raise an objection to the above application subject to conditions.

## **9 REPRESENTATIONS**

This application has been advertised and 13 representations have been received.

Objections:

- Site is a prominent and sensitive part of the Conservation Area
- Building on farming land
- Potential loss of hedge – Council property
- Increase volume of traffic through the village daily
- Proposed entrance to the land via a 5 bar gate would create traffic backing up through the village; entering from the road, either turning in from left or right
- Increase load on schools/doctors
- Increase load on the water supply, which is problematic already due to low pressure
- The effect on wildlife within the area
- Why grant permission to build a new house, when there is a derelict property in much need of refurbishment, standing empty and surrounded by scaffolding boards on overgrown land owned by the same builder.
- New dwelling will not be sympathetic to the surrounding properties which are listed, thatched and low roofed.
- With another planned estate of 31 houses almost opposite, Highway safety concerns.
- Parking spaces are limited. Particularly when functions are held
- Loss of one of the last open spaces overlooking the Roding Valley. The loss of these beautiful countryside views, the enjoyment of everyone being able to observe wildlife in the area will be detrimental to the High Roding Conservation Area.
- A building will transform our last remaining open space, blocking the only view of the Roding Valley, directly at odds with the Conservation appraisal, creating a most unsatisfactory ribbon effect to The Street. In the event, using the land as car parking for our village hall would at least be beneficial to the village as a whole.

Supports:

- It would make good use of a piece of waste land and most appropriate location to build a family home
- it is no longer viable as an agricultural piece of land as machinery too big to farm it.it may be in the conservation area but is not beautiful by any means neither is it likely to attract wild life near a main road and dwellings.it has the best access on to the road of any dwelling along the road in High Roding with plenty of room for off road parking.
- it will allow them as local young people to live within the village
- The site has been overgrown for many years. This is not open land and does not give any views to anyone a sit is next to the road and has a tall hedge.
- Feels that it will enhance the village street appearance.
- It would be nice to keep villagers living here.
- This land has not been used over recent years and is hidden behind a high hedge to the front. The land is an obvious plot with access for vehicles and needs to be used.
- At a time when there are not enough houses in the surrounding district, I am happy to see a local, hard-working, young couple bring a wonderful new home to the village.
- The plans appear to be to a very high standards and very sensitive to conservation issues in the village. I feel this new home would be in-keeping with the surrounding area and bring new life to the area proposed.
- I welcome the growth to enhance business for the pub and village shop.
- It appears a perfect building plot
- We use the public footpath next to the waste land and are happy to see how well this has been maintained in recent years.
- It will be an asset to the village
- I do not feel that this application will have any negative influence on the aesthetics of the village.

## **10 APPRAISAL**

The main issues to consider in the determination of this application are;

- A The principle of development of the site for housing (ULP policies S7)
- B The proposed access to the site and parking provision (ULP Policy, GEN1, GEN8 and ECC Parking Standards);
- C Design, scale and impact on neighbours amenity (ULP Policy GEN2,& SPD Accessible Homes and Playspace, SPD Energy Efficiency)
- D Impact on nature conservation (ULP Policy GEN7)
- E Impact on adjacent listed building and Conservation Area (ULP policy ENV2, ENV1)
- F Affordable Housing (Developer Contributions Guidance Document)

### **A The Principle of development of the site for housing**

- 10.1 The site is located outside of the Development limits as defined within the adopted Local Plan (2005). Policy S7 specifies 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 The site is an area of open land which has been taken out of development limits to protect it from development in recognition of its significance to the form and character of the village.
- 10.3 The draft Local Plan is still at an early stage and has limited weight. At the present time the adopted Local Plan policies are still in force. However, the National Planning Policy Framework (NPPF) is a material planning consideration and this has a strong presumption in favour of sustainable development.
- 10.4 Whilst there is a strong local policy objection against residential 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".
- 10.5 Paragraph 14 of the NPPF states;  
'Where the development plan is absent, silent or relevant policies are out of date (permission should be granted) unless;  
- Any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in this Framework taken as a whole, or  
- Specific policies in this Framework indicate development should be restricted.'

The NPPF encourages sustainable development. Paragraph 7 defined sustainable development as having three dimensions; economic, social and environmental. In accordance with this description, it is considered that the proposal for a new dwelling in this location would constitute sustainable development.

- 10.6 Paragraph 17 of the NPPF requires that planning decisions should take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside. Planning should contribute to conserving and enhancing the natural environment. Development on this greenfield site would have an impact on the landscape character of the area, providing built development that would encroach into the open countryside. Such a proposal would not contribute to the protection or enhancement of the natural environment. (Please see comments below) The site is an important open space within the Conservation Area.
- 10.7 Paragraph 6.13 of the Local Plan refers to infilling with new houses. It states that infilling will be permitted within settlements subject to safeguards. Some settlements are not included in any boundary. These are settlements where there is no apparent opportunities for infilling, because there are no apparent gaps left for development and, in some case, the approaches to the village are too loose in character for development to be appropriate.
- 10.8 Paragraph 6.14 states that there is no specific policy on infilling outside of development limits because any infill proposals will be considered in the context of Policy S7. This says that development will be strictly controlled. It means that isolated houses will need exceptional justification. However, if there are opportunities for sensitive infilling of small gaps of small groups of houses outside development limits but close to settlements these will be acceptable if development would be in character with the

surroundings and have limited impact on the countryside in the context of existing development. This is not considered to be the case in this application (please see comments under section E below).

- 10.9 The erection of a dwelling here could not be considered infill since the land does not comprise a small gap in a small group of houses. The site does not constitute substantially built up frontage because of the substantial width of the site. The site is a prominent and sensitive part of the Conservation Area contributing to the open character in the street scene.
- 10.10 The development of this site would result in additional built form in the countryside which would be detrimental to the open and rural character of the surrounding countryside. The proposed development does not need to take place there and is not appropriate to the rural area and there are no material considerations which would justify the development of this site outside of the Development Limits. The proposal is contrary to advice contained with the National Planning Policy Framework (2012) and to Policies S7 and GEN2 and of the Uttlesford Local Plan (adopted 2005).
- 10.11 The provision of one dwelling does not go far enough to contribute to the housing supply to warrant the approval of any such application for this reason. Such development would not preserve the environmental credentials of the site in accordance with the NPPF.
- 10.12 Although the Council is unable to demonstrate the availability of a five year supply of housing, the contribution that the proposal would make to overcoming the shortfall in housing land is insufficient to outweigh the harm that would be done to the character and appearance of the surroundings.

## **B The proposed access to the site and parking provision**

- 10.13 The proposed access to serve this proposed dwelling is via an existing access to the north of the site.
- 10.14 The position of the access enables adequate visibility splays. This element of the proposal is therefore acceptable and complied with the requirements of Policy GEN1 of the Local Plan. Although parking is shown to the front of the house, which is considered to be unacceptable, there would be adequate space within the site for the parking and turning of vehicles in accordance with adopted Vehicle Parking Standards.
- 10.15 Essex County Council Highways have no objections to the proposal.

## **C Design, scale and form of development**

- 10.16 Given its scale, height and location, there would be no detrimental impact to neighbouring residential amenity by way of causing a loss of light or by being unduly overbearing. There are no windows proposed to the side elevations, as such the proposal would not result in any detrimental overlooking of neighbouring properties.
- 10.17 The site is large enough to adequately accommodate the proposed dwelling. Ample private amenity space is provided and the property would be built to lifetime homes standards.
- 10.18 However, the Conservation Officers advice is that the development is unacceptable in terms of design and positioning.

- 10.19 The selection of gable ends, repetitive dormers and down pipes, jettied cross wing, two storey utility and two storey glazed gable element overlooking the countryside, would appear messy and give building sense of prominence visually overpowering the listed cottages in the vicinity. In addition, setting the building some distance away from the edge of the footpath, would conflict with the linear characteristics of the village to the detriment of the special character and is therefore contrary to Uttlesford Local plan policies GEN2 and ENV1.
- 10.20 (It should be noted that the submitted plans are not consistent with the dimensions quoted within the Design and Access Statement and revised plans are being requested).

## **D Impact on nature conservation**

- 10.21 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.
- 10.22 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.
- 10.23 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".
- 10.24 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. The biodiversity questionnaire answered no to every question. With regards to this application, given the lack of existing vegetation and although no ecological surveys have been undertaken as part of the application, the proposal does not involve the removal of any further trees or hedges on the land, it is considered that the proposal would not have the potential to have a detrimental impact to protected species.



## **E Impact on adjacent listed building and Conservation Area**

- 10.25 Policy ENV1 (Development within Conservation Areas) seeks to preserve or enhance the character and appearance of essential features of a Conservation Area.
- 10.26 This policy reflects the thrust of the statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Additionally, policy ENV2 states that development that adversely affect the setting of a listed building will not be permitted. The site is located within the High Roding Conservation Area and is adjacent and opposite to Listed Buildings.
- 10.27 The Council's Conservation Officer has been consulted and she states that High Roding is a small, predominantly linear village located in the open countryside. Its character is typified by a mixture of tightly knit frontage development and more scattered arrangement with numerous listed buildings ranging from 14 to 19 century. The picturesque character of the village together with its early historical content has been recognised by the designation of a Conservation Area in 1977. The rural appearance of the local landscape surrounding High Roding is specifically gratifying and its views through occasional gaps between the buildings greatly contribute to the special character of the conservation area.
- 10.28 The site subject of this application provides one of the infrequently available places on the western side of the village from where it is possible to appreciate the views into the wider agricultural land. The proposed dwelling would substantially fill in the available space so important to the character of the village and the established rhythm of the street. It would serve to consolidate the development along the western side of the main road by removing an important window to the countryside beyond.
- 10.29 She finds that the suggested development is also unacceptable in terms of design and positioning. Majority of the historic buildings in the locality, are simple vernacular structures of narrow spans and modest vertical proportions with low key elevational treatment. The proposed building would be of T plan form with wings of 15m and 13m long. The selection of gable ends, repetitive dormers and down pipes, jettied cross wing, two storey utility and two storey glazed gable element overlooking the countryside, would appear messy and give building sense of prominence visually overpowering the listed cottages in the vicinity. In addition, setting the building some distance away from the edge of the footpath, would conflict with the linear characteristics of the village to the detriment of the special character. In conclusion and for above reasons she finds this proposal damaging to the special character of High Roding Conservation Area and suggests refusal of this application.
- 10.30 The site has also been the subject of an appeal in relation to an application for two dwellings on the site (UTT/1151/91) The inspector stated " I noted that the village of High Roding, although linear in form, it is not continuously built-up on each side of the road. Gaps occur at intervals, either between properties or across land only partly occupied by buildings, which allow distant views of the countryside beyond and in some places, access to it. The rural appearance of the landscape near to High Roding is, to my mind, particularly pleasing and it is one of the features that determines the special character of the area. The appeal site has no obvious physical or functional relationship with buildings to the north or south but it is one of a limited number of places on the western side of the village from where it is possible to appreciate the broad sweep of the landscape beyond frontage development on the B184. It is not inconceivable that a design could be arrived at, more in keeping with the established character of the Conservation Area, but in this case I do consider that

the architectural quality of development proposal could outweigh harm caused by the loss of open land of such importance to the character of the conservation Area as a whole.”

- 10.31 The representations have been noted, however In view of the above comments it is considered that the substantially filling of a significant area of open land important to the character of the village and its inappropriate design, would not preserve or enhance the character and appearance of the essential features of the Conservation Area and therefore is contrary to the aims of policy ENV1.
- 10.32 Additionally, the design would give the building a sense of prominence visually overpowering the listed cottages in the vicinity contrary to the aims of policy ENV2.

## **F Affordable Housing**

- 10.33 In June 2013 The Council adopted a guidance document in respect of developer contributions. The Council has adopted a Housing Strategy (2012) which sets out the Councils approach to housing provision over the next three years. The Council commissioned a Strategic Housing Market Area Assessment which identified the need for affordable housing market type and tenure across the district. The Strategic Market Area Assessment supports the provision of a range of affordable housing and suggests that a financial contribution should be made on sites of 1-4 dwellings.
- 10.34 It states that on a 1 unit development a contribution that equates to 20% of 1 full plot value for the locality should be made. The land value must be provided by an independent valuer on a site specific basis.
- 10.35 A valuer has been appointed by the Council and a land value provided. The applicant has returned a signed confirmation agreeing to pay the fee for the independent valuer and the Councils Legal reasonable costs for the preparation of the legal obligation and agree in principle to make financial towards affordable housing.

## **11 CONCLUSION**

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

- A The proposal would have an unacceptable detrimental impact on the character of the site and the surrounding countryside contrary to the provisions of policy S7 of the Uttlesford Local Plan.  
Although the Council is unable to demonstrate the availability of a five year supply of housing, the contribution that the proposal would make to overcome the shortfall in housing land is insufficient to outweigh the harm that would be done to the character and appearance of the surroundings.
- B Adequate parking provision and access can be provided.
- C The design, scale and form of the development is unacceptable.
- D The proposal would not preserve or enhance the character or appearance of the essential features of the Conservation Area.
- E The affordable housing contribution can be secured by a section 106 should the application be recommended to be approved.

## **RECOMMENDATION – REFUSAL**

1. The proposed development is unacceptable because it would detrimentally affect the open character and appearance of its countryside location contrary to policy S7 of the adopted (2005) Uttlesford Local Plan.
2. The proposed dwelling would substantially fill in the available space so important to the character of the village and the established rhythm of the street. It would serve to consolidate the development along the western side of the main road by removing an important window to the countryside beyond and is therefore contrary to policy ENV1 of the adopted (2005) Uttlesford Local Plan.
3. The development would generate the need for a financial contribution in respect of affordable housing. The application provides no mechanism for addressing the need for additional provision. It therefore fails to comply with the adopted Developer Contributions Guidance Document adopted June 2013.
4. The proposal would constitute a form of development inappropriate and harmful to the special character of High Roding and is therefore contrary to policy ENV1 of the adopted (2005) Uttlesford Local Plan.
5. The development by way of it inappropriate design would be harmful to the setting of the surrounding listed buildings and would not be compatible with the scale, form, layout of surrounding buildings contrary to the aims of policies ENV2 and GEN2 of the adopted (2005) Uttlesford Local Plan.

# UTT/13/2912/FUL

## Land adj Village Hall Dunmow Road High Roding



Scale: 1:1250

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Department	Planning and Building Control
Comments	
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