

## UTT/14/2357/HHF (THAXTED)

(Councillor Foley has concerns that this will add to flooding problems in this part of Thaxted)

**PROPOSAL:** Demolition of existing porch and erection of one and half storey rear/side extension. Erection of cart shed.

**LOCATION:** Coldhams Fee Pottery, Bardfield Road, Thaxted,

**APPLICANT:** Mr G Baines

**EXPIRY DATE:** 27<sup>th</sup> October 2014

**CASE OFFICER:** Madeleine Jones

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### 1. NOTATION

1.1 Within Development Limits/ Grade II Listed Building.

### 2. DESCRIPTION OF SITE

2.1 The site is situated on the southern side of the road, midway along the built up part of Bardfield Road. The site comprises a detached C17 detached, Grade II listed, thatched cottage which is set back from the road and located to the eastern side of the plot. Additionally there is a detached garage between the listed building and the road.

2.2 The front boundary with the road consists of hedging and a metal gate.

2.3 To the east of the listed building are modern detached houses which are set back from the road and opposite the site are semi- detached houses with deep front gardens.

2.4 To the west of the site is a detached cottage that is set close to the road frontage. To the west of this cottage is a public right of way and driveway leading to agricultural land that runs along the rear of the properties of Bardfield Road.

2.5 The site slopes downwards from south to north towards the front of the site and from east to west. There is a change in levels by approximately 2m from the road to the rear of the site

### 3. PROPOSAL

3.1 The proposal is to demolish the existing modern porch and erect one and a half storey extension. Minor internal alterations and cart lodge are also proposed.

3.2 The proposed extension would be 5m wide, 9.2m deep and 5.2m high. It would be part rendered/ part boarded and have plain tiled handmade tiled roof.

3.3 The cart lodge would form an extension to the proposed cartlodge and store applied for under UTT/14/2359/FUL. Its dimensions would be 6m deep, 3m wide and 4.7m high.

3.4 The proposal would create a kitchen/breakfast room, cloakroom, hall, study at ground floor level and a bedroom with en-suite to the first floor.

- 3.5 The application form has been revised and resubmitted as the original application form had the incorrect applicant details.

#### **4. APPLICANTS CASE**

Design and Access Statement (summary)

- 4.1 The proposed internal alterations and extension will improve the use, appearance and setting of the listed building.

The applicant has also sent in comments in respect of the representations received.  
(Summary)

- 4.3 The proposed design and fenestration of the new cottage is perfectly in keeping with the listed building and other traditional buildings in the vicinity. The design follows the principles of the Essex Design Guide and complies with Lifetime Homes standards. The design incorporates, featheredge weather boarding, smooth render, ovolo moulded glazing bars set in traditional design windows and soft clay bricks. The roof will utilize traditional hand-made clay tiles as seen commonly in the area. The design is the work of a recognised and highly regarded Conservation Architect.
- 4.4 The application proposes the demolition of the pre-fabricated concrete sectional garage and the removal of the vegetation over and around its sides and the removal of the weeping willow tree all of which interrupt the view of Coldhams Fee from the roadside opposite the site entrance, which is the only meaningful view point from Bardfield Road. These proposals will in fact, greatly increase the visibility of Coldhams Fee from this, the main, view point. It is also the case that the net effect of building the cart lodges and store, but demolishing the sheds, once used as a pottery, will be increased visibility of the listed building from the public footpath running along the western boundary of the site.
- 4.5 There are no windows on the upper floor of the proposed extension that are capable of allowing any overlooking of any living areas in 9 Townsfield. The elevation that faces north towards the rear of 9 Townsfield has only one upper storey window, which is a velux type window above the stairwell. This will not afford a view into 9 Townsfield. The only other windows on this elevation are on the ground floor and as the floor level of this floor is well below that of 9 Townsfield, it is difficult to see how these windows could look into either the house or garden of that property, especially given the 6 foot high fence on the boundary, which is owned and maintained by 9 Townsfield. The east facing elevation of the extension, shown below (the gable end) has no windows at all. The southern elevation faces away from 9 Townsfield and the upper floor windows will only afford a view of the end of the garden of 9 Townsfield.
- 4.6 The view from Woodbine Cottage looking east will be changed by the new cottage, as was the view from Coldhams Fee when 9 Townsfield was built, but in terms of planning law, no-one has a right to a view. The original building (Coldhams Fee) is clearly set well back from the building line, which is established by the frontages of 9 Townfield and Woodbine Cottage. As evidenced above, the proposed new cottage, cart lodges and shed and extension to Coldhams Fee do not cut out natural light from any neighbouring property. There is no 'right' to a view.
- 4.7 The approval of these applications cannot create a precedent for subsequent applications by neighbours, as each application has to be judged on its merits.

- 4.8 Detailed comments have been received from Essex County Council Highways and no objection has been raised. The application will comply with all the conditions set by ECC Highways, which fully address these concerns. It should also be noted that traffic-calming measures are in place along Bardfield Road.
- 4.9 The Environment Agency classifies Coldhams Fee as a "low-risk" site for surface water flooding. Evans Rivers and Coastal, specialists in flood risk assessment and flood mitigation, have reported that the proposed development poses no risk in terms of surface water flooding. This company has also had input into the design of drainage and surface water handling for the development. It is true that surface water flooding does occur on Bardfield Road, but this is caused by problems with the highway drains considerably further up the hill from Coldhams Fee. No objectors to the development have produced any credible evidence to show that the proposed development would cause surface water to run off the site and into Bardfield Road. The surface water that has run down the southern edge of Bardfield Road erupts out of a highways drain further up the hill, the water then usually flows back into the drain further down the hill, but still above (east of) Coldhams Fee. This demonstrates that the highway drain is blocked or has collapsed and all this has nothing to do with the proposed buildings at Coldhams Fee. A new connection to the existing foul sewer will be made following negotiations with Anglian Water.
- 4.10 The Horse Chestnut in question was felled because it was rotten and diseased as inspection of the trunk and stump will clearly show. As such it represented a potential risk to Coldhams Fee. At the time it was felled the owners were not even aware that a bat survey would be required as part of the planning process.
- 4.11 The elevations in my original response show that the floor level in the extension is set below the floor level of the existing building. It is also the case that the fence stands on ground that is 3 feet higher than the floor level in the proposed extension. Effectively, anyone at the front door of the proposed extension will have to be tall enough to look over the equivalent of an 8 feet high fence.
- 4.12 The siting of the extension, with its range running east, was the specific recommendation of Uttlesford District Council's Conservation Officer, without reference and prior to any discussion of the proposal for a new cottage. The principal design guide when considering an extension to the listed building is the extension should be subservient to the original historical asset. The proposed extension is approximately a third of the length of the existing cottage. In addition to this the ridge height has been lowered from the existing thatch by approximately 600mm.
- 4.13 The building line on this side of the Bardfield Road is variable and this contributes to its character.
- 4.14 There are no proposals to remove the front hedge.
- 4.15 The application is supported by a flood risk assessment report, a bat survey and biodiversity questionnaire.

## **5. RELEVANT SITE HISTORY**

- 5.1 DUN/0160/52 –Installation of WC – Unconditionally Approved

## **6. POLICIES**

## 6.1 National Policies

- National Planning Policy Framework (2012)

## 6.2 Uttlesford District Local Plan 2005

- S3 Other Settlement Boundaries
- GEN2 Design
- H8 Home Extensions.
- ENV2 Development affecting Listed Buildings
- GEN7 Nature Conservation
- GEN1 Access
- GEN8 Vehicle Parking Standards
- GEN3 Flood Protection

## 6.3 Supplementary Planning Documents

- Thaxted Conservation Area Appraisal 2012

## 6.4 Uttlesford District DRAFT Local Plan

- SP2 Development within Development Limits
- DES1 Design
- SP11 Protecting the Natural Environment
- TA1 Vehicle Parking standards

## 7. PARISH COUNCIL COMMENTS

- 7.1 The Council object to this application as it would spoil the character of the area. It is inappropriate in such a location and would adversely affect the trees and garden of the property and would have a severe and detrimental effect on that part of the parish.

## 8. CONSULTATIONS

### Conservation Officer

- 8.1 Coldhams Fee is a small, storey and half, timber framed, part plastered and part weather boarded cottage of C17 origins under thatched roof. Originally probably lobby entry and later two tenements but serving as one dwelling in more modern times. The cottage is set well away from the edge of the road and substantially screened from wider views by unsightly modern outbuildings and overgrown vegetation. The site is located outside Thaxted Conservation Area.

The proposal subject of this application is to demolish the existing modern porch and erect one and a half storey extension. Minor internal alterations and cart lodge are also proposed.

Policy ENV2 seeks to protect the fabric, character and the setting of listed buildings from development, which would adversely affect them. This policy reflects the thrust of the statutory duty in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. A sensitive judgement has to be made when considering extensions and alterations to listed buildings so that on one hand, such buildings would fulfil the expectations of living today, and on the other hand, the proposed changes would not unduly diminish their special architectural and historic interest

The proposed internal changes to Coldham Fee would aim at the removal of small areas of partitions which are later insertions and blocking up of some window openings inserted in the C20. Consequently the important historic fabric of the listed building would remain undamaged. The proposed extension would facilitate family kitchen, study and WC as well as one bedroom ensuite. Although the number of bedroom within the dwelling would be unchanged, the bedrooms would be more usable and the whole property is likely to respond better to a standard size family requirements.

In terms of the form and design, the linier character of the thatched cottage would remain undisturbed with new subservient bay and cross wing added to the southern gable end away from the Bardfield Road and principal views. The new range would follow the architectural style of the cottage with steeply pitched roof dressed under the thatch and the clever use of traditional finishing materials would provide the optical articulation between the old and the new so that the historic identity of this heritage asset is not devalued by mimicry. This mode of extension to thatched structures follows the well-established and appropriate concept which has been approved many times before resulting in historic cottages acquiring new lease of life within financially secured ownership.

I find the proposed cart lodge a great improvement on the selection of outbuildings found on this site. The steeply pitched roof form and indicted feather edge black painted timber boarding would respond well to the general rural vernacular of subservient utilitarian structures.

In conclusion I suggest approval subject to conditions

## **9. REPRESENTATIONS**

9.1 Site Notice displayed and the occupiers of 13 neighbouring properties notified via letter. 9 letters of objection have been received. Expiry date 19<sup>th</sup> September 2014. (Summary of the issues raised)

- Out of character and scale of listed building
- Original condition of listed building should not be altered
- Unneighbourly form of development
- Loss of views
- Out of building line
- Inadequate access
- Flooding and lack of drainage
- Presence of bats
- Important gap in street scene
- Boundary dispute over ownership of fence

## **10. APPRAISAL**

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

- A Design, scale and effect on the character and setting of the listed building (ULP Policy S3, GEN2, and ENV2)
- B Whether the proposed development would have a harmful effect on biodiversity (ULP Policy GEN7)
- C Impact on neighbours amenity (GEN2)

D Other material considerations (GEN3)

**A Design, scale and effect on the character and setting of the listed building (ULP Policy S3, GEN2, and ENV2)**

- 10.1 The development is within the development limits and therefore Policy S3 applies. This states that planning permission would be given, if compatible with the character of the settlement.
- 10.2 Several comments have been received stating that the proposals are out of keeping with the design and character of the original historic house and in relation to the scale and design of the extension, however, the proposal has been the subject of extensive pre-application advice and the Council's Conservation Officer has been consulted on the proposal. She states that a sensitive judgement has to be made when considering extensions and alterations to listed buildings so that on one hand, such buildings would fulfil the expectations of living today, and on the other hand, the proposed changes would not unduly diminish their special architectural and historic interest. The proposed internal changes to Coldham Fee would aim at the removal of small areas of partitions which are later insertions and blocking up of some window openings inserted in the C20. Consequently the important historic fabric of the listed building would remain undamaged. In terms of the form and design, the linear character of the thatched cottage would remain undisturbed with new subservient bay and cross wing added to the southern gable end away from the Bardfield Road and principal views. The new range would follow the architectural style of the cottage with steeply pitched roof dressed under the thatch and the clever use of traditional finishing materials would provide the optical articulation between the old and the new so that the historic identity of this heritage asset is not devalued by mimicry. This mode of extension to thatched structures follows the well-established and appropriate concept which has been approved many times before resulting in historic cottages acquiring new lease of life within financially secured ownership.
- 10.3 The proposed cart lodge is a great improvement on the selection of outbuildings found on this site. The steeply pitched roof form and indented feather edge black painted timber boarding would respond well to the general rural vernacular of subservient utilitarian structures.
- 10.4 The Conservation Officer also states that it can be argued that the charm of the listed building (heritage asset) would be made visually more accessible to the community by the removal of the unattractive garage from the front garden and tidying up of the vegetation.
- 10.5 The porch to be demolished is of no architectural merit and the replacement extension and cartlodge are of suitable design and scale.
- 10.6 Given the above comments, it is considered that the extension and internal alterations would respond well to local vernacular and would not diminish the special architectural or historic interest of the listed building or its setting subject to appropriate materials being used.
- 10.7 It is considered that the proposal would respect the character and appearance of the listed building and would accord with the requirements of Policy EN2 of the Local Plan.

- 10.8 Reference has been made to the loss of a horse chestnut tree, however, the tree was not subject to a tree preservation order, or in a Conservation Area and therefore did not need permission to be felled
- 10.9 The proposal would not result in any additional bedrooms to the property and therefore it is not reasonable to request any extra parking provision in respect of this application. The proposal would result in the loss of the garage to the front of the plot, however this would be replaced by the proposed cart shed which would also have an additional parking space in front as such the proposal would meet the adopted parking standards and comply with policy GEN8.

**B Whether the proposed development would have a harmful effect on wildlife (ULP Policy GEN7)**

- 10.10 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.
- 10.11 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.
- 10.12 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".
- 10.13 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 yes to some of the questions in respect of habitats. A bat survey has been submitted with the application and no evidence of bats at the site was found. Although no evidence of bats was found it is probable that bats will forage across the site and in the gardens of adjacent properties. This behaviour

would be expected to continue after any building work has been completed and therefore it is considered that the planning proposal for this site will not have a detrimental effect on the local bat population. Essex County Council Ecologists do not require any further surveys to be carried out and have no objections to the proposal.

### **C Impact on neighbours amenity (GEN2)**

10.14 The neighbours comments have been noted, however, The only new window facing the neighbouring property to the east at first floor level would serve a stairwell and therefore can be conditioned to be obscure glazed.

10.15 In respect of the comments regarding the proposed door at ground floor level it is not considered that this would result in any further overlooking than exists at present. There is a close timber fence between the boundaries of the two properties. It is considered that the proposal would not result in any, material, detrimental, overlooking or overshadowing or have an overbearing impact and therefore complies with policy H8 and GEN2

### **D Other material considerations (GEN3)**

10.16 Several representations have been received relating to flooding in Thaxted and drainage problems. The Environment Agency's surface Water flooding map shows that the site is located in an area which has very low surface water flooding risk. It is therefore considered that that the site can be developed in such a manner that surface water flooding would not result in an increase of pre-development levels. Any drainage provided would need to meet current building regulations.

## **CONCLUSION**

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

- A. On balance the proposal is acceptable by way of its scale and design. In view of the specialist advice it is considered that it would be compatible with the character of the settlement.
- B Essex County Council's ecologists have no objections to the proposal.
- C It is considered that the proposal would not have any material detrimental impact to neighbours amenity.
- D It is not considered that the proposal would result in any material drainage problems that cannot be overcome at building regulations stage.

## **RECOMMENDATION – CONDITIONAL APPROVAL**

### Conditions

- 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. The window northern elevation at first floor level serving the stairwell shall be 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 that/those window(s).

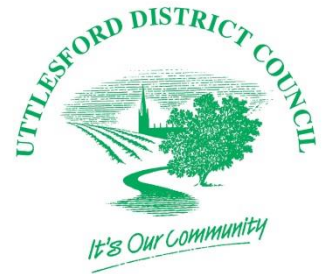
REASON: To avoid overlooking of the adjacent property in the interests of residential amenity in accordance with policy GEN2 of the Adopted Uttlesford Local plan

3. The roof to the cart lodge hereby permitted shall be clad with clay plain tiles or natural slate (to match the adjoining cartlodge).

REASON: In the interests of the appearance of the development and the setting of the adjacent listed buildings in accordance with Policies S7, GEN2 and ENV2 of the Uttlesford Local Plan (adopted 2005).

4. All external weather-boarding to the cart lodge hereby permitted shall be feather-edged painted timber. Subsequently, the materials shall not be changed without the prior written consent of the local planning authority.

REASON: In the interests of preserving the historic character and appearance of the listed building and its setting in accordance with Policy ENV2 of the Uttlesford Local Plan Adopted 2005 and the NPPF.



Application No. : UTT/14/2357/HHF

Address: Coldhams Fee Pottery, Bardfield Road  
Thaxted.



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