

## UTT/14/2359/FUL (THAXTED)

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

**PROPOSAL:** Demolition of outbuildings and erection of detached dwelling with cart shed and store

**LOCATION:** Land South of Bardfield, 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 to the south of Bardfield Road. The site forms part of the front garden to the adjacent C17 detached, Grade II listed cottage which is set back from the road and located to the south east corner of the plot. Additionally there is a detached garage and an outbuilding to the existing front of the site.
- 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 Barfield 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 for the erection of a detached dwelling and cart lodge and the demolition of an outbuilding and garage to the front of the existing property.
- 3.2 Access to the site will be shared with the host dwelling via the existing access gate.
- 3.3 The proposed dwelling would be 9m deep by 10.5m wide and 6.8m high. It would be part boarded and part rendered under a hand- made tiled roof. It would have three bedrooms.
- 3.4 The gardens for both the host dwelling and the new proposed dwelling would measure in excess of 100m<sup>2</sup> and the garden to the new dwelling would be enclosed by a post and rail fence to the east.

- 3.5 It would have three parking spaces, one located within the proposed cartlodge, one to the front of cart lodge and one to the front of the new dwelling. The cart lodge would measure approximately 9m wide, 6m deep and max height of 4.8m and be sited adjacent to the south eastern boundary of the garden of Woodbine Cottage and south of the new dwelling.(part of the building is outside the site area and would serve as parking for the host dwelling).
- 3.6 The application form has been revised and resubmitted as the original application form had the incorrect applicant details.

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

- 4.1 A Design and Access Statement has been submitted with the application. (summary)
- 4.2 The site lies within a sustainable location, within walking distance of Thaxted with its shops, services, facilities and school. There is also a good bus service. The site is situated within the identified development limits, wherein there is a presumption framed in National and Local Planning Policy in favour of development.
- 4.3 The proposed erection of a dwelling would meet all three strands of sustainability as set out in the NPPF. It would provide valuable additional housing, contributing socially to the local community
- 4.4 There would be no impact on the rural character of the area, or its setting of the heritage asset for the detailed reasons set out in this statement. Furthermore, the high quality design would assist with assimilating the development into its environment. The dwelling would read as part of the built up part of the village, it would not be visually intrusive.
- 4.5 All other planning criteria such as car parking, access, residential amenity and Life time Homes are met.
- 4.6 The application is accompanied with a bat survey and completed biodiversity questionnaire.
- 4.7 The applicants' agents have also responded to representations received in relation to the application.

#### **5. RELEVANT SITE HISTORY**

- 5.1 None.

#### **6. POLICIES**

##### **6.1 National Policies**

- National Planning Policy Framework (2012)

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

- S3 Other Settlement Boundaries
- GEN2 Design
- 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
- Accessible Homes and Playspace
- Uttlesford Local Parking Standards

### 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

### Essex County Council - Highways

- 8.1 No objections – subject to conditions

### ECC Ecology

- 8.2 No objections. The bat survey found no evidence of bats at the property or in the outbuildings and I do not consider that any further ecological surveys are necessary. Should any bats or evidence of bats be found prior to or during the development, all works must stop immediately and an ecological consultant or the Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

### Conservation Officer

- 8.3 The proposal subject of this application is to erect a modest family house within the land forming part of the curtilage of listed Coldhams Fee. The listed cottage is a timber framed structure of C17 origins under a thatched roof. It is set well away from the edge of the road and substantially screened by unsightly modern outbuildings and overgrown vegetation. The site is located within village development limits and outside Thaxted Conservation Area.

It could be assumed that at one time this cottage stood in some isolation from the core of the village, but modern development has spread along Bardfield Road providing much needed residential facilities some of which a council housing in its origins.

The proposal to form a new dwelling here has been subject of substantial negotiations and careful considerations. Some more extensive schemes have been considered too damaging to the setting of the listed cottage. The now proposed dwelling presents an

unassuming façade to public view which in terms of design and detailing with mixture of plaster, weatherboarding and hand made plain clay tiles would positively enhance the street scene in contrast to the very bland and unremarkable housing stock in the vicinity.

Clearly the ambience of the listed cottage would be changed further, but I feel that this change has already been brought about by modern development which ignored the established building line of the cottage and its vernacular qualities. It could be said that the charm of this 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. Approval of this application would give the necessary incentive. I am concerned that the refusal of this application is unlikely to be sustained on appeal.

In conclusion and should there be no planning objections I suggest following conditions.

- All roofs to be hand made plain clay tiles to LA approval.
- All weatherboarding to be feather edge timber with painted finish (not black).
- All render to be smooth finished with wood float.
- All external joinery to painted timber with slender ovolo moulded glazing bars. Large scale typical cross sections to be approved.
- All brick details to be formed in hand made soft clay bricks to LA approval.

#### **Access and Equalities Officer**

- 8.4 Review of application and supporting documentation confirms compliance with SPG on Accessible Homes and Playspace.

### **9. REPRESENTATIONS**

- 9.1 Site Notice displayed and the occupiers of 15 neighbouring properties notified via letter. 13 letters and a petition signed by 34 residents objecting and one letter in support has been received. Expiry date 19<sup>th</sup> September 2014.  
a summary of the planning issue raised are as follows:

- Listed Building should remain in its current condition
- Harm to the setting of the listed building
- Overbearing impact on adjoining properties
- Loss of light
- Loss of view
- Out of building line
- Inadequate access
- Risk of flooding; inadequate drainage
- Impact on bats
- Important to retain views of listed building
- Boundary issues around removal of fence
- Impact on street scene
- Subsidence from removal of vegetation
- Loss of important open space

- Loss of historical curtilage of listed building

**A petition has also been received in objection of the application. It has been signed by 34 residents.**

- Impact on listed building
- Overbearing property too close to highway
- Highway safety
- Flooding problems from removal of vegetation
- Impact on setting of listed building

**The Thaxted Society states:**

It is an inappropriate use of the grounds of a Grade II listed building which will result in permanent damage to a unique anomaly in the Thaxted built historical narrative.

**One letter has been received in support of the application.**

## 10. APPRAISAL

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

- A The principle of development of the site for housing (ULP policies S3, H3 and ENV2)
- 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)

### **A The principle of development of the site for housing (ULP policies S3, ENV2)**

- 10.1 The site is located within the development limits of Thaxted. Policy S3 applies which states that development compatible with the settlement's character and countryside setting will be permitted within these boundaries.
- 10.2 Additionally policy H3 supports the above policy stating that infilling with new house will be permitted if the development would be compatible with the character of the settlement and depending on the location of the site, its countryside setting.
- 10.3 The site is also adjacent to a grade II Listed Building where development affecting a listed building should be in keeping with its scale, character and surroundings. Development proposals that adversely affect the setting and alterations that impair the special characteristics of a listed building will not be permitted.
- 10.4 The site is not within a conservation area; however the new house would be built within the curtilage of the listed building. The new house, cartlodge and new driveway would cover a substantial amount of the historic curtilage. Several comments have also been made in relation to the views of the listed building being obscured by the new house. It is accepted that there will be some restriction of views from the road and public right of way, however, Conservation Officer advice is that the proposal would positively enhance the street scene and that the listed building would be more visually accessible to the community by the removal of the unattractive garage from the front garden and

tidying up of the vegetation. It is therefore considered that the principle of a new dwelling on the site is acceptable.

- 10.5 Several representations have been received relating to flooding in Thaxted and drainage problems. In response to these concerns the applicant has submitted a flood risk assessment report. The report submitted by WCP shows that at present there are surface water drainage issues along Bardfield Road and from photographs submitted that the road drainage and gullies are at full capacity thus resulting in temporary ponding of surface water and runoff onto other areas. However the flood risk assessment report finds that these observations are not considered to be evidence that the existing site contributes to the existing problem or exacerbates the problem, however it is acknowledged that there may be some Green field runoff from the existing site and onto the road during heavy rainfall events.
- 10.6 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 provided that the recommendations within the report are implemented (these can be secured by condition) 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.
- 10.7 Neighbours have expressed concern in relation to the presence of asbestos in the buildings to be demolished. There is a duty of care to dispose of this appropriately; however this is covered under different legislation.

**B The proposed access to the site and parking provision (ULP Policy, GEN1, GEN8 and ECC Parking Standards)**

- 10.8 Concern has been raised in relation to the access not being adequate; however, Essex County Council Highways have no objections to the proposal in this respect.
- 10.9 The adopted vehicle parking standards require that new three bedroom properties have two parking spaces. The proposal has adequate parking provision for the size of the property and there would be adequate parking provision for the host dwelling. As such the proposal is in accordance with the requirements of GEN1 and GEN8 of the Local Plan.

**C Design, scale and impact on neighbours amenity (ULP Policy GEN2,& SPD Accessible Homes and Playspace, SPD Energy Efficiency)**

- 10.10 The proposal has been the subject of substantial negotiations with the Conservation Officer at pre- application stage. This scheme is now considered to be acceptable by way of design and scale. The Conservation Officer states that the proposed dwelling presents an unassuming façade to the public view in terms of design and detailing with a mixture of plaster, weatherboarding and hand made plain clay tiles, would positively enhance the street scene in contrast to the vary bland and unremarkable housing stock in the vicinity .She 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.
- 10.11 With regards to the scale of the property , some more extensive schemes have been considered too damaging to the setting of the listed building at pre- application stage, however the scale of the propose scheme is in response to the advice given by the Conservation Officer. It is considered that in order to protect the listed buildings setting

and the character of the area that permitted development rights against further development should be removed.

10.12 Both the proposed and host dwelling would have private gardens in excess of the 100m<sup>2</sup> recommended in the Essex Design Guide.

10.13 Bardfield Road slopes downward from east to west at this point and as such the proposed property would be set on higher ground levels than Woodbine Cottage to the west. As such there is potential for loss of amenity to the occupiers of that property. The property, although close to the boundary, would be some 13m distance away from Woodbine Cottage and it has been designed so that there would not be any material overlooking, overshadowing or overbearing impact caused. There are windows in the west elevation, however these windows serve a stairwell and a bathroom and therefore can be conditioned to be obscure glazed. There would be some overshadowing caused however, in view of the orientation of the buildings it is not considered that this would be materially detrimental so as to warrant refusal.

10.14 In view of the Highways Officers comments, in order to meet the necessary sight splays the hedge to the front of the site, across the whole of the front boundary would need to be removed. It is considered that this vegetation, contributes positively to the character of the area. As the site is not located within a conservation area it is a material consideration that this vegetation could be removed at any time without the need for planning permission. To reduce the impact of the removal of the hedging a landscaping scheme is required to replace the hedging further back from the roadside. This can be achieved by an appropriate condition.

#### **D Impact on nature conservation (ULP Policy GEN7)**

10.15 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.

10.16 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.

10.17 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".

10.18 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.

## **CONCLUSION**

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

- A The site is located within Development Limits. The proposal is acceptable.
- B Adequate parking provision and access can be provided.
- C The design, scale and form of the development is acceptable
- D The proposal would not have any material detrimental impact on biodiversity

## **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. There should be no obstruction above ground 0.6m in height within a 2.4m wide parallel band visibility splay required across the entire site frontage as measured from the edge of carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

REASON: To provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users of the highway and of the access

3. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety.



4. Before development commences details indicating the foul drainage works' exact position and course, manufacturer's specifications, type and discharge of final effluent into a specified watercourse, shall be submitted for the written approval of the local planning authority. Thereafter the approved treatment plant shall be installed in line with manufacturer's instructions and maintained and retained in perpetuity.

REASON: To protect the surrounding countryside and prevent pollution of the water environment.

5. Before development commences details of the surface water disposal arrangements shall be submitted to and approved in writing by the local planning authority. These details should contain the recommendations as detailed in the flood risk assessment undertaken by Evans rivers and coastal report dated 2<sup>nd</sup> September 2014. The drainage shall be constructed as approved prior to the construction of any building on the site and maintained in the same condition thereafter.

REASON: The proposed development will only be acceptable if the surface water drainage scheme as detailed in the Flood Risk Assessment undertaken by Evans: dated 02 September 2014 submitted with this application is implemented. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. In accordance with Policies GEN2 and GEN3 of Uttlesford Local Plan adopted 2005

6. Prior to commencement of the development full details of the hard and soft landscaping works shall be submitted to and approved in writing by the local planning authority. Subsequently these works shall be carried out as approved. The landscaping details to be submitted shall include:
  - a) hard surfacing , other hard landscape features and materials of the car parking area.
  - b) Planting plans, including specifications of species, sizes, planting centres, number and percentage mix
  - c) car parking layout

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).

- 7 All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: to ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005)

8. 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 extensions shall be constructed (other than any expressly

authorised by this permission or any other grant of express planning permission) without the prior written permission of the local planning authority.

REASON: The gardens for these plots are the minimum size that would be acceptable and extensions or outbuildings may result in an unacceptable reduction in their size in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).

9. The roof to the cart lodge hereby permitted shall be clad with clay plain tiles or natural slate (to match the adjoining cartlodge) in accordance with samples that have been submitted to and approved in writing by the local planning authority before development commences. Subsequently, the materials shall not be changed without the prior written consent of the local planning authority.

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).

10. 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

11. The external walls of the extension hereby permitted shall be finished in smooth render finished with wood float or similar

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

12. All external joinery to be painted timber with slender ovolo moulded glazing bars, any replacement windows within historic parts of the dwelling to be single glazed.

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

13. The roof to the new dwelling hereby permitted shall be clad with handmade clay plain tiles in accordance with samples that have been submitted to and approved in writing by the local planning authority before development commences. Subsequently, the materials shall not be changed without the prior written consent of the local planning authority.

REASON: In order to preserve the character and setting of the Grade II- listed building, in accordance with Uttlesford Local Plan Policy ENV2 (adopted 2005) and the NPPF

14. The brickwork of walls hereby permitted shall be constructed using handmade soft clay bricks in accordance with samples that have been submitted to and approved in writing by the local planning authority before development commences. Subsequently, the materials shall not be changed without the prior written consent of the local planning authority.

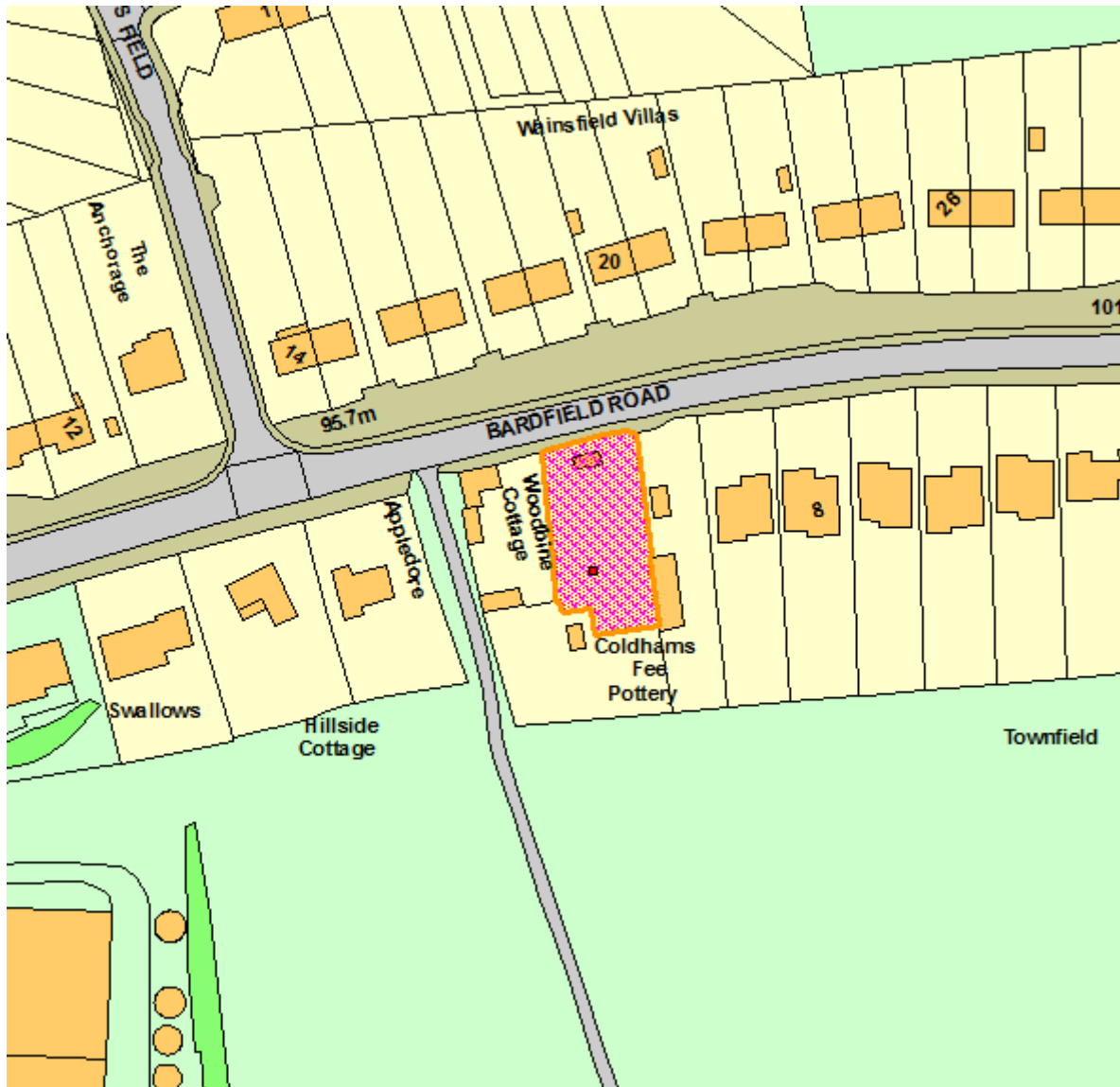
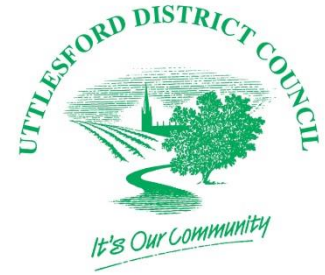
REASON: In order to preserve the character and setting of the Grade II- listed building, in accordance with Uttlesford Local Plan Policy ENV2 (adopted 2005) and the NPPF.

15. The windows in the western serving the stairwell and wc/shower room 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

Application No. : UTT/14/2359/FUL

Address: Land South of Bardfield,  
Bardfield Road,  
Thaxted.



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Organisation: Uttlesford District Council

Department: Planning

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