

UTT/ 14/2370/FUL (Berden)

(Referred to Committee by Cllr Janice Loughlin. Reason: The scale, design and size of the development and the effect on the surrounding area and neighbouring properties)

PROPOSAL:	Removal of existing storage buildings and erection of 1 new residential dwelling (alternative proposal to that approved under UTT/13/2888/FUL).
LOCATION:	Land at Frances Farm Pelham Road, Berden
APPLICANT:	Mr John Poulter
AGENT:	Pelham Structures Ltd
EXPIRY DATE:	07 October 2014
CASE OFFICER:	Emmanuel Allamah

1. NOTATION

- 1.1 Rural Restraints Area, outside the defined development limits of Berden.

2. DESCRIPTION OF SITE

- 2.1 The application site is a rectangular area of some 0.13 ha on the northern edge of Berden. It is occupied by an aged "tin" barn like structure - with the benefit of a Lawful Development Certificate enabling its use as a transport yard. It is accessed via a narrow semi-surfaced Lane that is shared with a number of adjacent and nearby properties. A total of some 16 existing homes on this northern fringe of Berden are excluded from the defined "development limit" defined on the Proposals Map of the ULP - (to which ULP Policy H3 applies). The application site appears to be the only non-residential use in the northern part of the village. That adjacent Lane is also in use as Public Footpath 41.

3. PROPOSAL

- 3.1 The proposal is to replace the existing storage building, containers and open storage, and all commercial use, with a single detached dwelling. As with the previously approved building, the dwelling would have 4 bedroom (or 3 bedrooms plus study). An attached part-single/part two storey wing would contain an open-fronted parking cartlodge for two vehicles, and additional parking spaces would be to the front and / or side.

4. APPLICANT'S CASE

- 4.1 The building has been designed to replicate the form, scale and fenestration of a 'converted' barn. Its appearance would be enhanced by good quality vernacular materials, including black-painted featheredged timber windows. The roof of the barn would be clad with slate. The overall effect would be that of a traditionally designed building that is appropriate to its setting near listed buildings in a rural area. This part of Berden for example contains buildings which vary significantly in terms of design, size and scale. Frances Farm is a substantial two-storey dwelling, with a steeply-pitched barn conversion to its rear. The proposed dwelling would therefore complement the

range of dwellings in the vicinity. In particular, the modifications proposed would provide a building with a more traditional roof pitch that better reflects other buildings in the locality, in contrast to the somewhat 'squat' roof form previously approved.

- 4.1 The key factor in the design of this revised application is the aim to create a carbon neutral property. This is set out in greater detail in the accompanying sustainable construction statement.

5. RELEVANT SITE HISTORY

- 5.1 UTT/13/2888/FUL- New residential development. Approve with condition subject to the completion of Section 106 Agreement for the provision of affordable housing. The Section 106 Agreement has been agreed.
- 5.2 UTT/0839/CL-Lawful Development Certificate, for the storage of commercial goods and the parking of a heavy goods vehicle.

6. POLICIES

6.1 National Policies

- National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

- ULP Policy S7- The Countryside
- ULP Policy GEN1-Access
- ULP Policy GEN2- Design
- ULP Policy GEN7-Nature Conservation
- ULP GEN8-Vehicle Parking Standards
- ULP H3-New Houses within Development limits

6.3 Guidance

- SPD –Accessible Homes and Playspace
- The Essex Design Guide
- Parking Standards: Design and Good Practice

7. PARISH COUNCIL COMMENTS

7.1 Objection, for reasons relating to:

- The current application proposes a larger footprint and more substantial elevation having regard to the amenity of the neighbouring residents. The two neighbouring residents have both objected separately to this application.
- The proposed new dwelling will present an unacceptable physical and visual intrusion into the adjacent countryside.
- The proposed new building is of scale that is far beyond a rural barn conversion and is intrusive to the view and outlook of the neighbouring residents.
- The proposal in terms of its scale and mass would be greater than the previous approved scheme.
- The additional built form will be overbearing on the neighbouring properties and affect the visual amenity of the area and intrusion into the countryside side setting.

8. CONSULTATIONS

Access and Equalities

8.1 Application meets the requirements of the SPD on Accessible Homes and Playspace.

ECC-Ecology Advice

8.2 No objection but recommended an informative in order to protect and safeguard nest of wild life.

ECC-Education and Highways

8.2 No objection subject to recommended planning condition.

Thames Water

8.3 No objection regarding sewerage infrastructure capacity.

9. REPRESENTATIONS

9.1 Neighbours were notified of the application by letter and a notice was displayed near the site. Three representations objection letters have been received, which raise the following concerns:

- The proposal would be overbearing.
- It would have a detrimental effect on neighbouring properties
- Overlooking
- Intrusion of privacy
- No justification for the increase of the revised proposed development

10. APPRAISAL

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

A Design and Visual impact (ULP Policies H3 AND GEN2)

B Impact on residential amenity (ULP Policies H3 and GEN2)

C Traffic impact

A Design and Visual impact

10.1 The principle of a new residential development has already been considered acceptable during the assessment of the previous approved scheme registered as UTT/13/2888/FUL. For example; the fact that the application site is within the Rural Restraints Area and beyond the defined development limits of Berden. The defined development limit illustrated on the Proposal Map is very tightly drawn and a substantial proportion of Berden's built up area is similarly beyond that development limits to which UPL policies H3 and S7 apply. Although on the urban fringe" of Berden, given the pre-existing barn structure, the proposed approved scheme was considered acceptable because it is comparable in visual and physical scale with the surrounding built environment. And as the previous app[roved scheme would not harm the character of the area and the living conditions of the adjoining properties it was considered

acceptable subject to Section 106 Agreement and such legal agreement for the provision of affordable housing has been completed but the approved scheme is yet to be implemented. And as “previously developed land” (i.e. “brownfield land”), the clear presumption in favour of “sustainable development” in paragraphs 14 and 28 of the NPPF applies to this case as it would lead to sporadic residential development within such “Rural Restrain Area”. Hence; one of the main determining planning issues in the current revised planning application relate to the design and visual impact which are also part of the concerns raised by Parish Council and neighbouring properties..

- 10.1 The application site and its surroundings are characterised by different scale, form, layout, materials, appearance and design of residential buildings and there is a mixture of single and two storey dwellings. There are dwellings either side but the application site is fairly located at far rear end.
- 10.2 As indicated in the planning statement the key factor in this proposed revised design scheme is the aim to create a carbon neutral residential building. The layout of the development has been considered carefully in order to prevent any overlooking. For example; by minimising its impact on the adjacent dwellings to the south and west; the proposed building has been oriented so that the closest upper floor openings directly facing the southern boundary would be high level secondary windows under to the ridge, in order to provide sun/day light only.
- 10.3 The topography of the site or ground level is slightly lower when compared with the buildings to the south, and the existing frontage housing would screen views of the proposed revised scheme from the road.
- 10.4 And given that much of the site is currently covered with buildings and containers and open storage of materials. By locating the building towards the east of the site, provided opportunity for further space which has been used to introduce green space and sizeable garden for the rived residential building. It should also be note that the siting of the revised proposed scheme is unaltered compared from the approved scheme. Having incorporated features of the surrounding area, the proposed scale, form, layout, appearance and design approach would not adversely harm the character and visual amenity of the area. The design approach would also involve the retention boundary planting which would be also be reinforced where necessary, with domestic-scale shrub and herbaceous planning to lawn garden areas.
- 10.5 The adjacent open paddock land is also owned by the applicant it has been confirmed by the applicant that it would be retained to provide a soft green edge to the village, the open countryside and to provide managed coppice for log-burning heating. And the ample space within the site would be used for siting and recycling facilities. Overall, having considered all representations in design terms the revised scheme would not adversely harm the character and visual amenity of the area, the approach of taken in designing such carbon neutral residential dwelling is not considered to be in conflict with policies H3 and GEN2.

B Impact on residential amenity

- 10.6 Concerns have being raised in connection with the scale, mass, location, height and length of the revised development in terms of its impact on the amenity of the adjoining occupiers.
- 10.7 Having considered the orientation of the revised scheme in the above paragraphs; the impact on residential amenity of the neighbouring properties is protected in terms of overlooking, overbearing and overshadowing impact.

- 10.8 The proposed revised scheme rear projection would only be increased by 2m in length. And the approved ground floor width was 14.7m and the revised proposed scheme rear ground extension width would be 14m which reduced by 0.7m following the additional rear projection of 2m in length. And as result the distance to the nearest residential building to the south west is 4.4m and to the south east is 8m; whilst the distance in terms of approved scheme is 4m to the adjoining property at south west and the distance to the south east adjoining property remains at 8m. As the width of the ground floor rear projection has minimised any impact; the orientation of the revised proposed scheme would not induce overbearing or overlooking from the first floor windows from bedrooms 1 and 2 of the proposed revised scheme. And the new proposed bathroom/en-suite at the southern upper floor with their respective proposed windows would not harm the living condition of the nearest properties.
- 10.9 And the height of the approved scheme was 7.15m and the current proposed height as a result of this revised scheme has increased to 8.7m with a traditional pitched roof. And roof pitch has been raised from 30degree to 45 degree as 30degree was considered too shallow for a barn. And the principal elevation is extended at first floor over the approved home office and extends out by 2.5m as the same as the one below. Having considered the height, mass, form, scale, layout, appearance and the design approach of the revised scheme, on balance it is considered acceptable as it would not adversely lead to overbearing, or overshadowing or overlooking. Hence, the proposed revised scheme is not contrary to Policies GEN2, H3.

C Traffic impact

- 10.10 The revised application is considered that it would not have any highway implications. And having consulted Highway Authority they have confirmed they do not wish to raise any objection to the revised development and have instead recommended standard planning conditions to protect and safeguard traffic in the area. And this is in accordance with Policy GEN1.

11. CONCLUSION

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

- A The revised proposed development is considered to be in accordance with the relevant Uttlesford Local Plan policies and the application is recommended for approval.

RECOMMENDATION – CONDITIONAL APPROVAL

Conditions/ reasons

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.

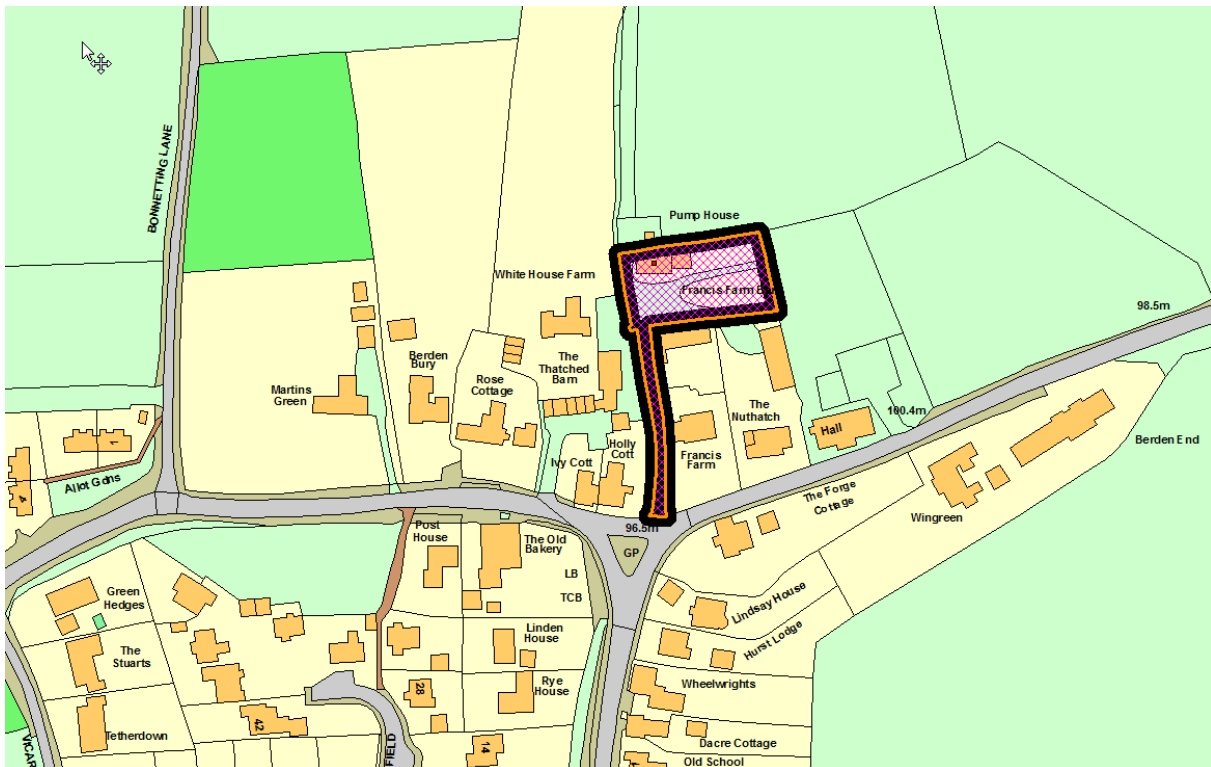
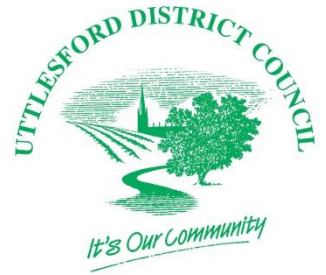
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those in the existing building unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the appearance of the development in accordance with Policies GEN2 of the Uttlesford Local Plan (adopted 2005).

3. The public's rights and ease of passage over public footpath 41, Berden shall be maintained free and unobstructed at all times.

REASON: The above condition is required to ensure that the development accord with Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Application No.: UTT/14/2370/FUL
Address: Land at Francis Farm Pelham Road Berden



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Organisation: Uttlesford District Council

Department: Planning

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