

## **UTT/16/3062/HHF (HIGH EASTER)**

(Referred to committee by Cllr Barker if recommended for refusal – Reasons: A swimming pool cover at this height will not be visually intrusive in the countryside, there is no effect on neighbours, the installation will enable the pool to rely solely on solar panel heating and the use of oil will be eliminated saving carbon emissions).

**PROPOSAL:** Proposed retractable swimming pool enclosure over existing pool.

**LOCATION:** Pentlow End, Slough Road, High Easter.

**APPLICANT:** Mr B Littler.

**AGENT:** Telescopic Pool Enclosures.

**EXPIRY DATE:** 16 January 2017

**CASE OFFICER:** Mr C Theobald

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### **1. NOTATION**

1.1 Outside Development Limits / affecting setting of Grade II\* Listed Building.

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

2.1 Pentlow End comprises a grade II\* listed timber-framed and plastered 2½ storey dwelling of C14 origins with later 1½ storey side addition with single storey rear projecting range set within spacious and well maintained grounds within the open countryside to the north of High Easter village. The front of the site is set mainly to lawns and access drive/hardstanding areas, whilst a small number of outbuildings exist to the rear of the dwelling, including an Edwardian style greenhouse. A domestic swimming pool measuring approximately 14.4m x 6.7m with timber changing room/plant room sited to one end exists to the side/rear of the dwelling constructed at right angles onto the site's south-west flank boundary. The pool is enclosed along its south-eastern side and onto its end nearest the flank boundary by a mature and maintained 3m high conifer hedge. Open fields exist to the south-west of the site with woodland beyond.

### **3. PROPOSAL**

3.1 This householder application relates to the erection of a retractable swimming pool enclosure over the existing swimming pool. The retractable cover would have a variable width of between 7.1m and 8m and overall depth of 14.7m when fully extended to cover the pool and would have a height at its lowest end of 0.81m and height at its highest end (i.e. when fully extended) of 1.4m. The retractable cover would be made from clear solid polycarbonate material supported by a dark green aluminium rib frame.

### **4. APPLICANT'S CASE (summarised from submitted supporting statement)**

4.1

- We have read the appeal decision for previously refused planning application UTT/15/0729/HHF which was for a much larger retractable pool cover than now proposed that would have taken up more space than the pool and would have been much higher. In this instance, we feel that the low

swimming pool enclosure now proposed should be accepted in view of its smaller size.

- There is an aluminium greenhouse nearby which is the same colour as the proposed pool cover frame, which would just cover the footprint of the existing swimming pool.
- The pool cover would not have any impact on the countryside as it would be shielded by a mature hedge and trees on its side and end nearest the side boundary of the site.
- The retractable cover would meet the current needs of the applicant, would minimise water and energy consumption as the pool temperature would heat by between 3-6 degrees daily through heat retention when daylight is current and will reduce water evaporation as well in addition to reducing the carbon footprint and chemical usage.

## 5. RELEVANT SITE HISTORY

5.1 Proposed erection of telescopic swimming pool enclosure over existing swimming pool (retractable pool cover) having a variable width of between 7.8m and 9.24m, overall depth of 18.9m when fully extended, a height at its lowest end of 1.9m, height at its highest end (i.e., when fully extended) of 2.62m and made from clear solid polycarbonate material supported by an aluminium rib frame refused by the Council in 2015 (UTT/15/0729/HHF) for the following reason:

“The proposed enclosed swimming pool by reason of its size, massing, design, siting and scale would result in development that would not be sympathetic to its surroundings and would adversely affect the setting of the listed building contrary to Policies S7, GEN2 and ENV2 of the Uttlesford Local Plan adopted 2005 which seek to ensure development respects its surroundings, the countryside and setting of listed buildings. There would be no public benefits arising from the scheme that would outweigh the harm to the setting of the listed building as set out in paragraph 134 of the NPPF”.

5.2 The application proposal was subsequently refused at appeal when the appointed planning inspector remarked in respect of the visual impact that the proposed development would have on the countryside that;

*“The appeal site is situated in a countryside location. Whilst the proposed structure would be screened from the road by existing mature vegetation, it would be visible to some extent from neighbouring open land. Whether or not the proposed structure would be widely visible, the Framework recognises the intrinsic character and beauty of the countryside. From my observations, due to the design, scale and materials proposed, I consider that the swimming pool structure would introduce unacceptable built form into this countryside setting, which would not respect the scale or design of the surrounding buildings and would be to the detriment of the intrinsic open character and beauty of this part of the countryside. For these reasons, I consider the proposal would have an adverse effect on the character and appearance of the surrounding countryside”.*

5.3 With regard to impact on the adjacent grade II\* listed building, the Inspector stated that;

*“Whilst screened by existing mature hedging to some extent, it would nevertheless be part of the setting of the listed building. Existing outbuildings are of traditional design, which are in keeping with the setting of the dwelling. From my observations, due to the combination of contemporary materials and contemporary design of such*

*a large structure, I consider that the proposed swimming pool enclosure would unacceptably detract from the setting of the listed building, but this would be less than substantial harm as set out in the Framework. Whilst the proposed enclosure would enable greater use all year round of the swimming pool, this is not the only design solution and it would provide little wider public benefit. I have attributed considerable importance and weight to the duty and the presumptive desirability of preserving the setting of the listed building, which I do not consider, for the reasons stated above, is outweighed by any benefits of the proposal. Having regard to the Framework's advice on heritage assets, I find, for the above reasons, that the harm is not outweighed by any public benefit".*

## **6. POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework

### **6.2 Uttlesford Local Plan (2005)**

- ULP Policy S7 – The Countryside  
- ULP Policy GEN2 - Design  
- ULP Policy ENV2 – Development affecting Listed Buildings

## **7. PARISH COUNCIL COMMENTS**

7.1 No observations.

## **8. CONSULTATIONS**

### **Historic England**

8.1 Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation: The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

### **ECC Ecology**

8.2 No objections.

### **UDC Conservation Officer**

8.3 Pentlow End is a grade II\* listed timber framed and plastered structure of C14 origins with later alterations and outbuildings. The property is located in a generous garden and within open countryside.

8.4 The proposal subject of this application aims at the erection of a telescopic swimming pool enclosure and follows a previously refused and dismissed on appeal scheme for a similar, but larger structure. Having considered the present proposal, I feel that the now suggested albeit somewhat reduced enclosure proportions does not overcome my previous concerns. Consequently, I have no option but to repeat my previous rationale leading to the recommendation for refusal.

- 8.5 The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes duties requiring special regard to be had to the desirability: firstly, at Section 16(2), of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The specific setting of Pentlow End is its garden located in a wider countryside. In addition, the National Planning Policy Framework (NPPF) advises that when considering the impact of a proposed development on the significance of a designate heritage asset, great weight should be given to the asset's conservation.
- 8.6 The proposed swimming pool enclosure although reduced in size would still be some 14.7m long by 8m wide and 1.4m high. It would be formed in metal of modern functional design. As before, it would be screened by existing hedging, but nevertheless would form part of the curtilage of the grade II\* listed building. I feel that due to its contemporary design and materials that any such structure would detract from the setting of the heritage asset to an unacceptable degree. In terms of the NPPF, I am unable to identify any public benefit of the proposed development which would outweigh the clear harm to the setting of the listed building.
- 8.7 In addition, although the new structure would be screened from the road by the vegetation, it would be visible from some vantage points within open countryside, especially in winter time. Again, due to the design, scale and materials, the new structure would represent unacceptable built form into this countryside setting seriously jarring with the traditional character, design and materials of heritage assets in the vicinity. The proposal would have an adverse effect on the bucolic character and appearance of the surrounding open countryside. Consequently, I suggest refusal of this application.

## 9. REPRESENTATIONS

- 9.1 None received. Neighbour representation period expires 16 December 2016. Advertisement expires 22 December 2016. Site notice expires 26 December 2016.

## 10. APPRAISAL

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

- A Whether the proposed development would have a significantly harmful impact on the particular character of the part of the countryside within which it is set (NPPF and ULP Policies S7 and GEN2);
- B Whether the proposed development would have a significantly harmful impact on the character and setting of the adjacent grade II\* listed building (NPPF and ULP Policy ENV2).
- A Whether the proposed development would have a significantly harmful impact on the particular character of the part of the countryside within which it is set (NPPF and ULP Policies S7 and GEN2).**
- 10.1 The site is situated within the countryside within a relatively isolated location which positively contributes to the open rural character of the area. ULP Policy S7 of the adopted local plan states that the countryside will be protected for its own sake and that planning permission will only be given for development which needs to take place there or is appropriate to a rural area. It further states that 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. ULP Policy GEN2 promotes good design. However, in this regard, the design merits of this proposal are more particularly influenced by the rural constraint policy of ULP Policy S7 and also ULP Policy ENV2 relating to heritage asset protection.

- 10.2 The previously refused retractable swimming pool cover installation at this rural location (UTT/15/0729/HHF) was justified for refusal under ULP Policy S7 given its larger size than the modified retractable pool cover the subject of the current revised application which had a greater variable width of between 0.7m and 1.24m, a greater overall depth of 4.9m when fully extended to cover the pool and a greater height at its lowest end of 1.09m and greater height at its highest end (i.e. when fully extended) of 1.22m (same clear solid polycarbonate material supported by an aluminium rib frame) compared to the installation now submitted. The delegated officer report for that refused application stated in this regard that *“The scale and form of the enclosure would be vast in scale and would be visually prominent from inside and outside of the site. Although the enclosure would be of relatively limited height, it nonetheless is a substantial and sprawling element of built form that would significantly erode the open character of the site and which would be particularly significant given the exposed locality of the site and its position within attractive open countryside. The modern structure would visually dominate the openness of the site and by reason of scale, design and location the proposal would not preserve the openness of the rural area contrary to ULP Policies S7 and GEN2”*.
- 10.3 The revised retractable pool cover installation the subject of the current application by reason of its reduction in overall size and different design specification as described in paragraph 3.1 above compared to the aforementioned refused scheme would still have some visual impact on the site’s attractive rural location when viewed from the south-west (the installation would not be able to be viewed from the front of the site given the presence of the 3m conifer hedge line which exists along the south-eastern side of the pool). However, it is considered that this visual harm would not be so significant compared with the size and design specifications of the refused installation under UTT/15/0729/HHF as to warrant a refusal of planning permission on countryside protection grounds whereby the existence of the mature hedge line along its south-eastern side and also at its end nearest the south-west flank boundary with fields beyond would screen the domestic installation to an acceptable extent. Furthermore, there are no public footpaths or other PROW within the immediate vicinity of the site to the south-west where the installation could be viewed from the public domain.
- 10.4 In the circumstances, it is considered that the revised retractable pool cover the subject of the current application would not by reason of its reduced proportions be contrary to the countryside protection aims of ULP Policy S7 or the environmental strand of the NPPF and as an installation sufficiently overcomes the Inspector’s concerns expressed at appeal for application UTT/15/0729/HHF in this respect.

**B Whether the proposed development would have a significantly harmful impact on the character and setting of the adjacent grade II\* listed building (NPPF and ULP Policy ENV2).**

- 10.5 Pentlow End is a Grade II\* listed building which stands within spacious grounds within a rural setting which has relatively few outbuildings and chattels to disturb its primacy within this setting. Notwithstanding the reduction in the size of the proportions of the retractable pool cover as discussed above, due consideration has to be additionally had as to whether the proposed installation would significantly harm the character and setting of this heritage asset.

- 10.6 Whilst Historic England was not consulted on previously refused application UTT/15/0729/HHF, it has been consulted on the current revised application, although has declined to comment on this occasion stating that the application should be determined in accordance with national and local policy guidance and on the basis of the Council's conservation advice.
- 10.7 The Council's Conservation Officer in her consultation response to the current application has reiterated her comments from her consultation advice given in consideration of refused application UTT/15/0729/HHF whereby heritage concerns are still expressed regarding the size, design and modern appearance of the retractable swimming pool cover at this location whilst recognising the reduced size proportions of the cover from the previously refused scheme. In this respect, it is stated that the contemporary design and materials used for the pool cover would detract from the setting of the listed building to an unacceptable degree whereby the existence of the existing hedge screen would not reduce this harmful impact to less than a significant degree (the existing swimming pool does not have any screening at its end nearest the listed building). It is further remarked that the swimming pool area of the garden to Pentlow End forms part of the curtilage of the listed building where this has been disputed by the applicant's planning agent in the application submission. There is no evidence to suggest that this is not the case where the Planning Inspector for UTT/15/0729/HHF remarked in this respect that *"I consider the setting of Pentlow End to be the immediate former gardens in a wider countryside setting...Whilst screened by existing mature hedging to some extent, [the cover] would nevertheless be part of the setting of the listed building"*
- 10.8 The applicant has sought through the current application to respond to the previous heritage concerns expressed by the Council and subsequently the Planning Inspector at appeal for UTT/15/0729/HHF by reducing the size of the proposed cover installation, although in so doing has chosen again to opt for a modern design solution to heat the swimming pool rather than pursuing a more traditional option such as the erection of a pool house designed in local vernacular style which would be more complimentary to the character and setting of the adjacent grade II\* listed building as noted by the Planning Inspector with reference to existing outbuildings at Pentlow End. However, the applicant has elected not to do this.
- 10.9 Members are therefore asked from this assessment as to whether the revised retractable pool cover installation as now proposed sufficiently overcomes these previously expressed concerns (where it should be noted that this revised application has been the subject of a call-in request from Cllr Barker should the application be recommended for refusal by your Officers) or whether in all of the circumstances the repeated modern design approach for the installation still fails to meet the legislative tests and government advice under which the Council is duty bound to consider such applications as referred to in paragraph 8.5 above and also local plan policy relating to listed buildings. It is the considered view of your Officers that the revised proposal does not meet these tests and government advice and that it would be contrary to ULP Policy ENV2 where no public benefit has been identified for the development which would outweigh the clear harm which would be caused to the setting of the listed building.

## **11. CONCLUSION**

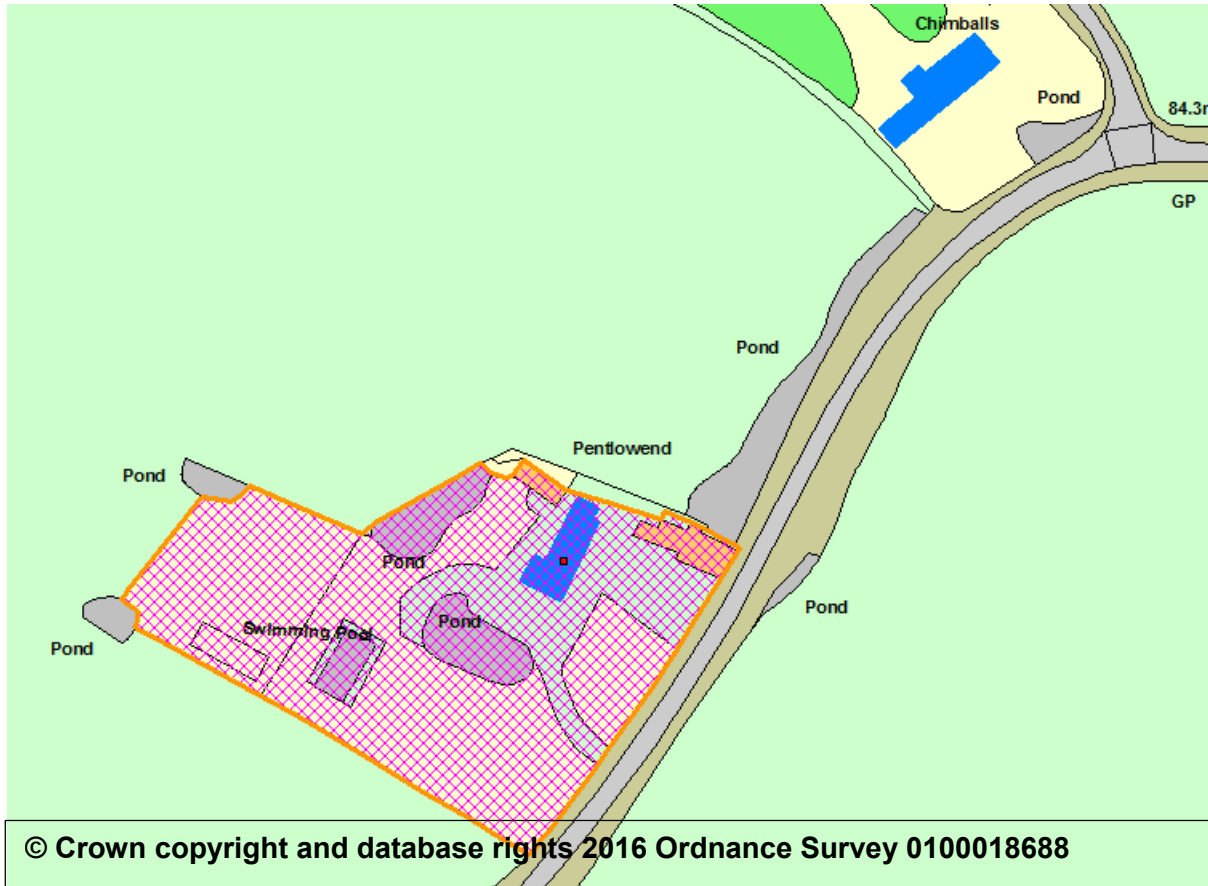
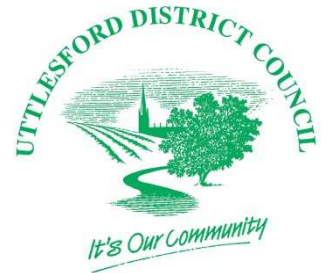
The following is a summary of the main reasons for the recommendation:

- A The proposed retractable pool cover over the existing swimming pool at this rural location would not by reason of its reduced size proportions and presence of existing screening have a harmful impact on the particular character of the countryside within which it would be set and would not be contrary to ULP Policies S7 and GEN2 of the adopted local plan or the provisions of the NPPF.
  
- B The proposed retractable pool cover by reason of its size, design and use of modern materials would have a significantly harmful impact on the setting of this grade II\* listed building and would be contrary to ULP Policy ENV2 and advice contained within the NPPF relating to heritage assets.

#### **RECOMMENDATION – REFUSAL**

1. The proposed retractable pool cover to the existing swimming pool at this location would by reason of its size, design and use of modern materials have a significantly harmful impact on the setting of this grade II\* listed building and would be contrary to ULP Policy ENV2 of the Uttlesford Local Plan (adopted 2005) and also paragraphs 131-134 of the NPPF relating to the protection of heritage assets.

Application Number: UTT/16/3062/HHF  
Address: Pentlow End, Slough Road, High Easter



Organisation: Uttlesford District Council  
Department: Planning  
Date: 22 February 2017