

## UTT/18/3357/FUL - FELSTED

Referred to Committee because applicant is a Councillor

**PROPOSAL:** Proposed demolition of bungalow, outbuildings and workshop buildings and erection of 1 no. 5 bedroomed house and garage building – revised scheme to that approved under UTT/17/2725/FUL

**LOCATION:** Belmont, Hollow Road, Felsted

**APPLICANT:** Mr A Mills

**AGENT:** Mr J Norman

**EXPIRY DATE:** 7 February 2019 – EOT agreed

**CASE OFFICER:** Karen Denmark

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### 1. NOTATION

1.1 Outside Development Limits/Adjacent Listed Building.

### 2. DESCRIPTION OF SITE

2.1 The application site is located on Hollow Road in Felsted which is located to the east of the main core of Felsted village. The site previously contained a bungalow and a substantial outbuilding. The bungalow has since been demolished and work has commenced on the construction of the replacement dwelling.

2.2 The site has a frontage of approximately 84 metres and a dept of 48 metres, tapering to 24 metres. There is boundary screening of varying quality and density.

### 3. PROPOSAL

3.1 The proposal seeks planning permission for an alternative design to the previously approved dwelling and garage. The amendments are:

- New entry design with brise soleil added
- Window to be relocated on larder
- Terrace design updated to include the installation of swimming pool and brise soleil added
- New window added at first floor to road fronting elevation
- New hatch for roof access
- Installation of solar panels on flat roof
- Relocation of garage and addition of pitched roof

### 4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 Town and Country Planning (Environmental Assessment):  
The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

And

Human Rights Act considerations:

There may be implications under Article 1 and Article 8 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

## **5. APPLICANT'S CASE**

- 5.1 This application is accompanied by a Design and Access Statement and a Bat Survey. These were submitted with the original application.

## **6. RELEVANT SITE HISTORY**

- 6.1 UTT/17/2725/FUL: Proposed demolition of bungalow, outbuildings and workshop buildings and erection of 1 no. 5 bedroomed house and garage building. Approved March 2018.

## **7. POLICIES**

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

Policy S7 – The Countryside  
Policy H7 – Replacement Dwellings  
Policy ENV2 – Development affecting Listed Buildings  
Policy GEN2 – Design  
Policy GEN8 – Vehicle Parking Standards

### **Supplementary Planning Documents/Guidance**

SPD: Replacement Dwellings (2006)  
SPD: Accessible Homes and Playspace (2005)  
Parking Standards: Design and Good Practice (2009)  
Uttlesford Local Residential Parking Standards (2011)

### **National Policies**

National Planning Policy Framework (NPPF) 2018  
Planning Policy Guidance

### **Other Material Considerations**

Emerging Local Plan

Policy SP10 – Protection of the Countryside  
Policy H4 – House Extensions and Replacement Dwellings in the Countryside and the Green Belt  
Policy H10 – Accessible and Adaptable Housing  
Policy TA2 – Provision of Electric Charging Points  
Policy TA3 – Vehicle Parking Standards  
Policy D1 – High Quality Design  
Policy D2 – Car Parking Design  
Policy D3 – Small Scale Development/Householder Extensions  
Policy D8 – Sustainable Design and Construction  
Policy D9 – Minimising Carbon Dioxide Emissions  
Policy D10 – Highly Energy Efficient Buildings

Policy EN1 – Protecting the Historic Environment  
Policy EN4 – Development affecting Listed Buildings  
Policy EN7 – Protecting and Enhancing the Natural Environment  
Policy EN12 – Protection of Water Resources  
Policy C1 – Protection of Landscape Character

## **8. PARISH COUNCIL COMMENTS**

8.1 No comment.

## **9. CONSULTATIONS**

### **ECC Ecology**

9.1 No objection.

The changes to the garage location does not affect the ecology of the site. Therefore my comments remain the same as those dated 10<sup>th</sup> October 2017:

“The bat survey dated September 2017 included with the application does not raise any concerns over the protected species investigated (bats). Further surveys for bats are not required.

Given the small-scale and limited scope of the development, there are no further ecological considerations.”

### **ECC Highways**

9.2 No objections subject to a condition relating to no loose material within 6m of the highway.

### **Environmental Health**

9.3 No objections subject to condition requiring contamination to be addressed should any be identified during works on site.

## **10. REPRESENTATIONS**

10.1 This application has been advertised and one letter of representation has been received raising the following issues. Notification period expired 17 January 2019.

Pool and terrace will result in encroachment of our privacy

Been evident the garage would not fit on plot in original position. This should have been considered when the build site was moved.

Essex County Council state that there shall be no discharge of water onto the highway, however, there is a problem with water on the Highway at the junction of Hollow Road and Mole Hill Green Road. This should be investigated before any amendments to the original plans are approved as we cannot see this improving if there is an increase in the footprint on this plot of land.

It was a gross error of judgement to approve the original planning application as the new property is totally out of keeping with neighbouring properties and contravenes the council's planning policy. It is hoped that all planning policies are respected with this planning application.

Comment on representations: The applicant is not required to resolve existing

issued with regards to drainage in the highway.

## **11. APPRAISAL**

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

- A Principle of the proposal (ULP Policies S7, H7; NPPF)
- B Design and amenity (ULP Policies H7, GEN2; NPPF)
- C Impact on setting of listed building (ULP Policy ENV2; NPPF)
- D Parking and access (ULP Policies GEN1 and GEN8)
- E Biodiversity (ULP Policy GEN7; NPPF)
- F Other material considerations (Emerging Local Plan)

### **A Principle of the proposal (ULP Policies S7, H7; NPPF)**

- 11.1 The principle of the proposal has previously been established with planning permission being granted for the replacement dwelling under reference UTT/17/2725/FUL. The development has commenced and this application seeks amendments to the approved plans. The amendment relating to the garage has arisen as a result of surveying work revealing that the site was not as deep as original measured and therefore the approved garage would result in harm to the boundary vegetation.

### **B Design and amenity (ULP Policies H7, GEN2; NPPF)**

- 11.2 The design of the dwelling has previously been considered and found to be appropriate for this location. The proposed new service hatch, new window to the roadside elevation and the introduction of a brise soleil and solar panels to the main dwelling are considered to be acceptable and would not result in the loss of residential amenity.
- 11.3 Representations have been made with regards to the proposed swimming pool and that this would give rise to overlooking issues. The proposed pool would be located on the decked area, some 40cm above natural ground level. It should be noted that decking could be installed as permitted development to a maximum height of 30cm, as can the proposed swimming pool. It is not considered that the proposed pool would give rise to a loss of residential amenity sufficient to refuse the proposals.
- 11.4 The garage was originally proposed to be adjacent to the dwelling. However, constraints around protecting tree roots to the frontage vegetation have led to the proposed relocation of the garage. This would also enable the retention of the in-out drive arrangement and reduce the requirement for turning manoeuvres within the site to utilise a single access point.
- 11.5 The garage has also been redesigned and incorporates a pitched roof. Whilst the relocation of the garage results in the built form being more spread along the street scene, it is not considered that this would be detrimental to the character of the area. The introduction of a pitched roof, whilst being different in character to the dwelling which is flat roofed, would be considered appropriate. The design of the dwelling overall would be in keeping with the character of the dwelling with the use of vertical boarding.
- 11.6 The relocation of the garage would not result in a loss of amenity to the neighbours. The building would be located approximately 6m from the boundary and 9m from the neighbouring property at the closest points.

**C Impact on setting of listed building (ULP Policy ENV2; NPPF)**

11.7 The impacts on the setting of the listed building were considered under the previous planning application. The proposed amendments to the approved scheme do not alter the impacts. The proposed garage would be located further away from the listed building and therefore would not result in any detriment to the setting of the listed building.

**D Parking and access (ULP Policies GEN1 and GEN8)**

11.8 The proposed parking arrangements would be rearranged with the relocation of the garage. However, there would be no loss of parking provision as a result of the proposals.

11.9 The previous application proposed to close off one of the existing access points. This application would retain both existing access points which would enable an in-out arrangement to operate. Highways has raised no objections to the proposal and therefore it is considered to be in accordance with Policy GEN1.

**E Biodiversity (ULP Policy GEN7; NPPF)**

11.10 Biodiversity issues were considered in respect of the original application and there are no amendments which would result in a detrimental impact on biodiversity. The County Ecologist has confirmed they have no objections to the proposals.

**F Other materials considerations**

11.11 The Council submitted its Regulation 22 Local Plan on 18 January 2019 and therefore the policies contained within that document have to be considered, although they currently have limited weight until such time they have been examined by the Inspector.

11.12 Policies SP10 and C1 relate to the protection of the countryside and landscape character. Policy H4 relates to replacement dwellings in the countryside, and Policies D1 and D3 relate to design, the latter being concerned with the design of small scale development. The dwelling granted permission and currently under construction is considered to be appropriate development in this countryside location.

11.13 Policy H10 relates to Accessible and Adaptable Housing and it should be noted that a condition was imposed on the previous consent requiring the dwelling to be constructed in accordance with the requirements of M4(2) Accessible and adaptable dwellings of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

11.14 Policy TA3 relates to parking standards and Policy DA3 relates to car parking design. The proposal is compliant with the Council's adopted parking standards.

11.15 Policy EN1 relates to the protection of the historic environment and Policy EN4 relates to development affecting listed buildings. An assessment in relation to impacts on historic assets was carried out in accordance with the previous policies and the NPPF and as such the proposals comply with these policies.

11.16 Policy EN7 relates to the protection and enhancement of the natural environment.

An assessment of impacts on biodiversity was carried out in respect of the original planning permission and this proposal does not result in any additional impacts.

- 11.17 Policies TA2, D8, D9, D10 and EN12 relate to sustainability issues such as electric vehicle charging points, sustainable construction and minimising water resources. The dwelling already has an extant consent and is currently under construction and therefore it would be inappropriate to impose more stringent requirements in line with these policies. Notwithstanding this, the building is being constructed to a high specification with the use of solar panels, a heat exchange system and high levels of insulation. Therefore, it is probable that the approved building is meeting all of the requirements set out in the policies.

## **12. CONCLUSION**

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

- A** The principle of development has previously been established under UTT/17/2725/FUL and these amendments are considered acceptable.
- B** The design of the proposed amendments are considered appropriate and do not result in any significant loss of amenity to the neighbours.
- C** The impacts on the setting of the listed building are unchanged following the grant of planning permission under reference UTT/17/2725/FUL.
- D** There are no impacts on parking as a result of the amended design to the approved scheme.
- E** There are no further impacts on biodiversity as a result of the proposed amendments.
- F** The policies in the Emerging Local Plan have been assessed and it is considered that the proposals would comply with the policies, which have limited weight at the current time.

## **RECOMMENDATION – APPROVAL WITH CONDITIONS**

### **Conditions**

1. The dwelling hereby permitted must be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

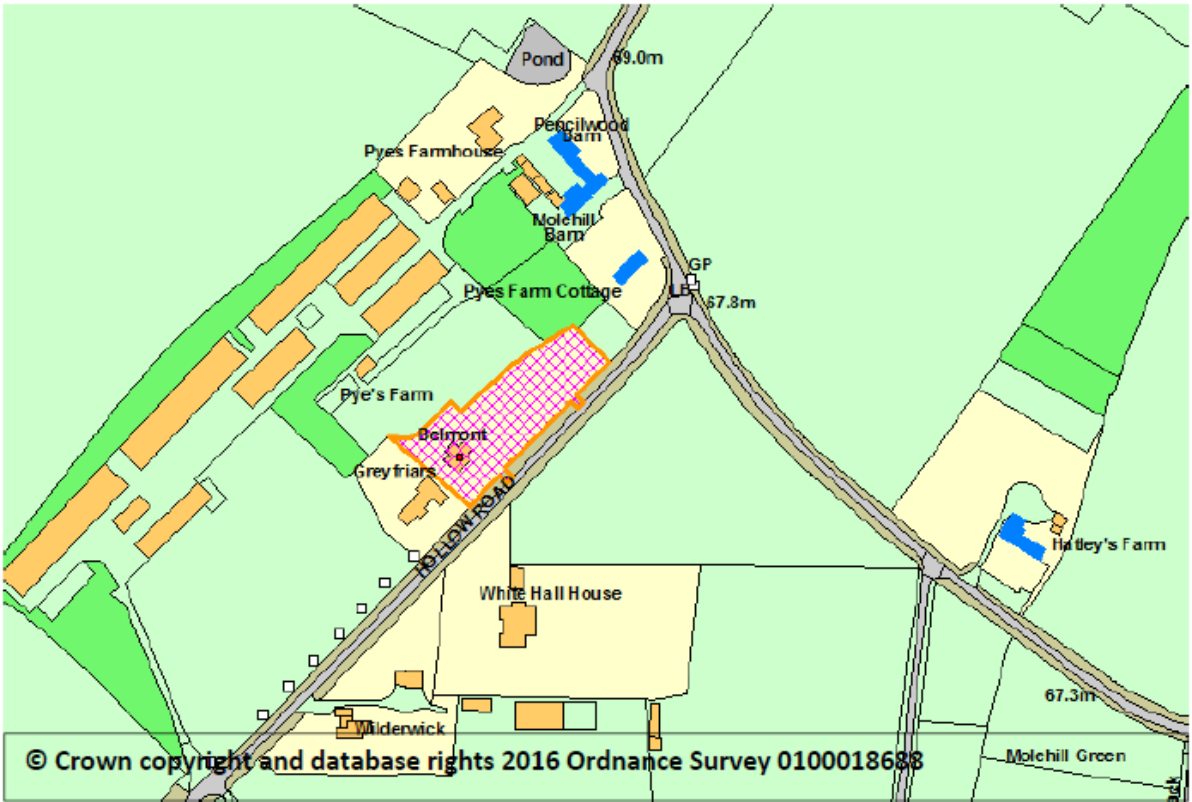
REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD: Accessible Homes and Playspace and the Planning Practice Guidance.

2. No unbound materials shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety, in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

3. Any gates provided at the vehicular accesses 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 accesses to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety, in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).



Organisation: Uttlesford District Council  
Department: Planning  
Date: 05 February 2019