

UTT/19/0155/LB - HENHAM

(Referred to Committee due to applicant being related to a Councillor)

PROPOSAL: Proposed single storey rear extension and rooflights. Replace side window with French doors

LOCATION: Easter Cottage, Chickney Road, Henham

APPLICANT: Mr Warmerdam

AGENT: David Jones – Alun Design

EXPIRY DATE: 19 March 2019 – Extension of time 15 April 2019

CASE OFFICER: Karen Denmark

1. NOTATION

1.1 Outside Development Limits/Conservation Area/Grade II Listed Building

2. DESCRIPTION OF SITE

2.1 The application site relates to a thatched cottage, formerly a barn attached to the adjacent cottage. It was converted to residential use in 1976. It is located on the southern side of Chickney Road to the east of Woodend Green.

3. PROPOSAL

3.1 The proposal relates to the erection of a single storey rear extension and to replace a window with French doors. Rooflights are proposed to the existing extension and the proposed.

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.

5. APPLICANT'S CASE

5.1 The application is accompanied by a Design, Access and Heritage Statement.

6. RELEVANT SITE HISTORY

6.1 LB/UTT/0397/76/CA: Conversion of barn to dwelling house using materials to match existing. Proposed single garage and double garage. Modernisation of cottage. Approved 1976.

7. POLICIES

Uttlesford Local Plan (2005)

ENV2 – Development affecting Listed Buildings
GEN7 – Nature Conservation

Supplementary Planning Documents/Guidance

N/A

National Policies

NPPF – February 2019

Other Material Considerations

Planning Practice Guidance
Planning (Listed Buildings and Conservation Areas) Act 1990
Emerging Local Plan Policies:
EN1 – Protecting the Historic Environment
EN4 – Development affecting Listed Buildings
EN7 – Protecting and Enhancing the Natural Environment

8. PARISH/TOWN COUNCIL COMMENTS

8.1 No comments received.

9. CONSULTATIONS

Conservation Officer

9.1 Whilst the majority of the proposal may be acceptable in principle, including its individual components such as rooflights and French doors, the extension would result in a single storey element across almost a full width of the listed building, which is considered to detract from the aesthetic quality of the designated heritage asset. With regard of this specific element, I consider this to cause “less than substantial harm” and as such paragraph 196 of the NPPF is relevant. Should permission be granted, I recommend conditions imposed requiring submission of materials for approval and detailed drawings of architectural features (windows, doors, eaves etc).

10. REPRESENTATIONS

10.1 This application has been advertised and no representations have been received. Notification period expired 5 March 2019.

11. APPRAISAL

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

- A The principle and design of the extension (ULP Policy ENV2; NPPF)
- B Impacts on protected species (ULP Policy GEN7; NPPF)
- C Other material considerations

A The principle and design of the extension (ULP Policy ENV2; NPPF)

11.1 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 states that a planning authority shall have special regard to the desirability of

preserving a listed building or its setting..." and LPA's are required to apply this statutory advice when determining listed building applications. ULP Policy ENV2 requires that development affecting a listed building should be in keeping with its scale, character and surroundings, adding that development proposals that adversely affect the setting and alterations that impair the special characteristics of a listed building will not be permitted. Paragraph 189 of the NPPF states that "In determining [planning] applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made to their setting", whilst paragraph 196 states that "Where in cases where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".

- 11.2 The proposal relates to the erection of a single storey rear extension. This would be an extension of an existing lean-to element at the rear of the building. It would be approximately 2.6m wide and 3.2m deep. It would have a shallow pitch to match the existing lean-to element. Rooflights are proposed to the existing and new lean-to.
- 11.4 In terms of impacts on the listed building, the proposals would result in an extension almost the full width of the rear elevation of the building. This would detract from the aesthetic quality of the designated heritage asset. With regard of this specific element, the proposals would result in "less than substantial harm" to the heritage asset and as such paragraph 196 of the NPPF is relevant. This requires the public benefits to be weighed against the benefits of the proposal.
- 11.5 In this instance the main harm to the rear elevation of the property comes from the existing single storey lean-to. This establishes the scale and design principles for the proposed extension. A small element of the rear elevation would still be visible (approximately 1.8m). There are no public benefits arising from the proposal, only personal benefits from the extension. However, given the small scale of the property and the existing single storey rear lean-to it is considered, on balance, that the proposals would be acceptable.
- 11.6 In respect of the insertion of the French doors and the roof lights, these elements are not considered to be detrimental to the fabric or character of the listed building, subject to large scale details being submitted and approved.

B Impacts on protected species (ULP Policy GEN7; NPPF)

- 11.7 Policy GEN7 and the NPPF seek to protect biodiversity. 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. Regulation 9(3) of the Conservation of Habitats and Species Regulations 2010 requires "A competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive and Birds Directive so far as they may be affected by the exercise of those functions".
- 11.8 The application is accompanied by a Biodiversity Questionnaire. This has been incorrectly completed by failing to acknowledge that the building is a pre-1914 structure within 400m of a body of water – Windamere Pond to the north of the site.

However, given the nature of the proposals and the site it is not considered that the proposed development would give rise to any adverse impacts on biodiversity or harm to protected species.

C Other material considerations

11.9 The policies in the emerging Local Plan have been taken into consideration but do not affect the decision making process.

12. CONCLUSION

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

- A** The proposals would result in less than substantial harm and no public benefits would arise. However, on balance, the proposals are considered to be acceptable.
- B** There would be no adverse impacts on biodiversity or protected species.
- C** The policies in the emerging Local Plan do not affect the decision making process.

RECOMMENDATION – APPROVAL WITH CONDITIONS. All pre-commencement conditions have been agreed with the agent on 20 March 2019.

Conditions

1. The development to which this consent relates shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to the commencement of the works hereby permitted a schedule of the types and colour of the materials to be used in the external finishes shall be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details.

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

3. Prior to the commencement of the works hereby permitted additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate shall be submitted to and approved in writing by the local planning authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

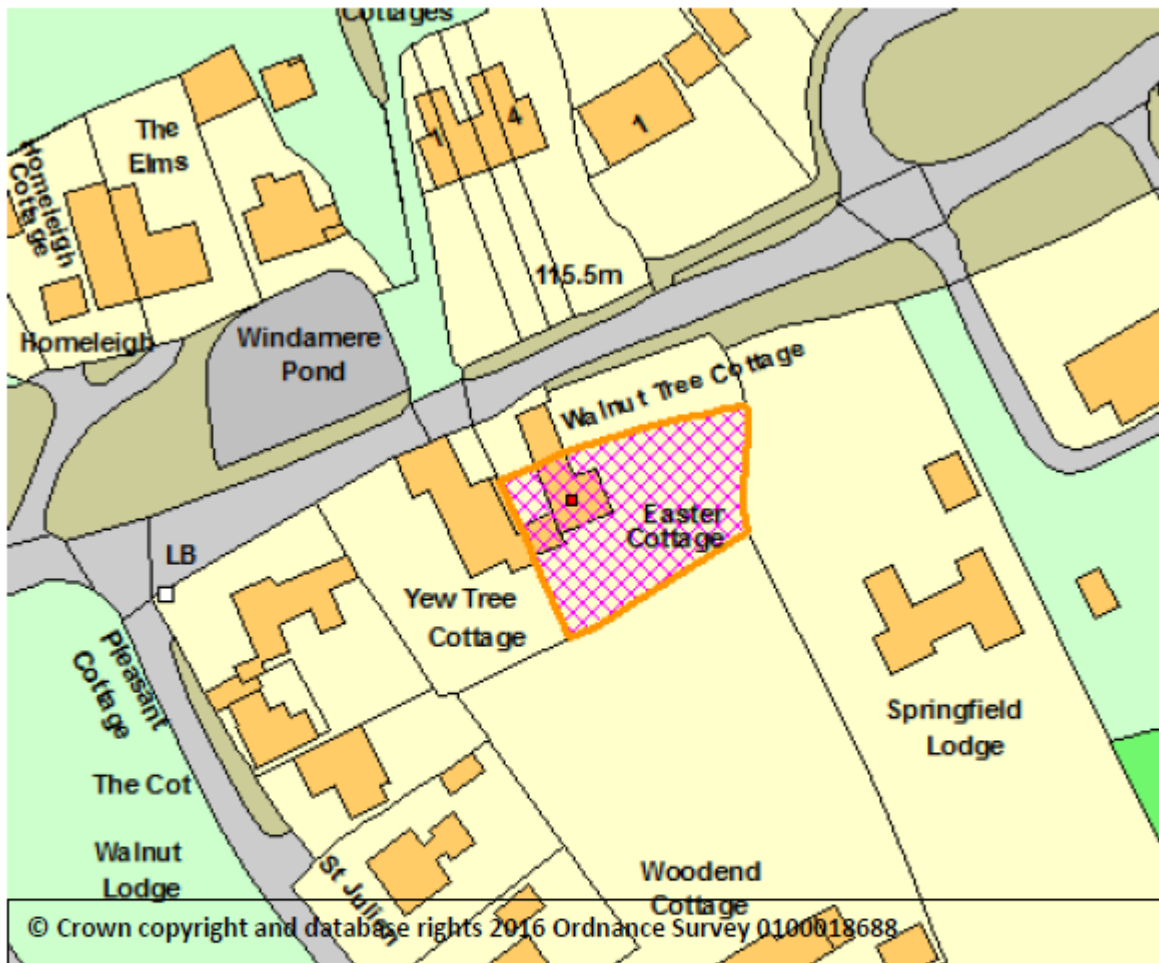
REASON: In order to protect the character and setting of the listed building in accordance with Uttlesford Local Plan Policy ENV2 (adopted 2005) and the NPPF.

4. Prior to the commencement of the works hereby permitted specifications of the rooflights, which shall be of low profile conservation type, shall be submitted to and approved in writing by the local planning authority. Subsequently the works shall be carried out in accordance with the approved details and maintained as such.

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

5. All rainwater goods shall be black and of cast metal and permanently maintained as such.

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



Organisation: Uttlesford District Council

Department: Planning

Date: 20.03.2019