

## UTT/18/3395/FUL - THAXTED

(Applicant is a relative of a ward member)

**PROPOSAL:** Construction of 1 no. 3 bedroom bungalow with detached garage and new access.

**LOCATION:** Greenhill Cottage, Bardfield End Green, Thaxted Road, Debden

**APPLICANT:** Mr & Mrs Knight

**AGENT:** Scandia-Hus Limited

**EXPIRY DATE:** 15 April 2019

**CASE OFFICER:** Ike Dimano

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### **1. NOTATION**

1.1 Outside development limits, general aerodrome directions.

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

2.1 The application site forms part of the existing garden serving Greenhill Cottage and the plot is approximately 0.2 ha in area. The site is in the countryside, but there are several dwellings nearby. No particular architectural style or built-form dominates.

### **3. PROPOSAL**

3.1 The applicant is requesting planning permission to construct a single storey detached dwelling (with a separate garage) to the south of Greenhill Cottage. All dimensions can be scaled from the submitted plans.

### **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 was submitted with the following documents:

- Biodiversity Validation Checklist
- Design, access, sustainability and planning statement.

### **6. RELEVANT SITE HISTORY**

6.1 The site has been subject to previous applications, but none are considered to be directly relevant to the current proposal.

UTT/18/1639/FUL - 1 no. Dwelling with detached single garage and associated access, vehicular hard standing and landscaping. Approved. (Adjacent site)

## **7. POLICIES**

7.1 S70(2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to:

(a) the provisions of the development plan, so far as material to the application,

(b) any local finance considerations, so far as material to the application, and

7.2 (c) any other material considerations.

7.3 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Relevant development plan policies and material considerations are listed below.

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

7.4 S7 – The Countryside  
GEN1 – Access  
GEN2 – Design  
GEN4 – Good Neighbourliness  
GEN7 – Nature Conservation  
GEN8 – Vehicle Parking Standards  
H9 – Affordable Housing  
H10 – Housing Mix

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

7.5 SPD – Accessible Homes and Playspace (2005)  
The Essex Design Guide (2005)  
Thaxted Neighbourhood Plan (2017)  
Parking Standards: Design and Good Practice (2009)  
Uttlesford Local Residential Parking Standards (2013)

### **National Policies**

7.6 National Planning Policy Framework (NPPF) (2018)  
Planning Practice Guidance (PPG)

### **Other Material Considerations**

7.7 West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA) (2015)  
Uttlesford Strategic Flood Risk Assessment (SFRA) (2016)  
Housing Trajectory 1 April 2017 (August 2017)

## **8 PARISH COUNCIL COMMENTS**

8.1 No objection.

## **9. CONSULTATIONS**

### **Highway Authority (Essex County Council)**

9.1 No objections, subject to conditions.

### **Environmental Health**

9.2 No objection.

### **Aerodrome Safeguarding**

9.3 No objection

## **REPRESENTATIONS**

9.4 No representations have been received.

## **10. APPRAISAL**

10.1 The proposal's planning considerations are as follows:

- Principle of development (NPPF, Local Plan Policy S7).
- Affordable housing (Local Plan Policy H9).
- Design and amenity (NPPF, Local Plan Policy GEN2, Essex Design Guide)
- Biodiversity (NPPF, Local Plan Policy GEN7).
- Access and parking (Local Plan Policies GEN1 and GEN8, Essex Parking Standards, Uttlesford Parking Standards).

## **11. Principle of development:**

The Local Plan places the site outside any settlement limits (ie within the open countryside) and so Policy S7 applies. Both the Local Plan and the NPPF recognise that the countryside needs to be protected for its own sake; however this view does not amount to a bar to development in such areas. Policy S7 states that development in the countryside will be permitted if it needs to take place there, or it is appropriate to a rural area. A new dwelling for private commercial gain is not an example of such a development and so the proposal fails on local policy.

11.1 Since the Council adopted the Local Plan in 2006, the government published the overarching National Planning Policy Framework in 2012, with a revised edition in February 2019. This document stresses that there is a presumption in favour of sustainable development, weighed against the proposal meeting all other relevant planning criteria.

11.2 Sustainable development is defined in as development that meets, on

balance, three objectives: economic, social and environmental. The applicant proposes that the development would meet all three criteria for the following reasons:

**12 Affordable housing:**

The lack of affordable housing is a particular concern in the district. Local Plan Policy H9 would expect residential developments to provide an element of affordable properties, or a contribution in lieu. Based on the recently revised NPPF (paragraph 63), however, such a provision is not required for a single dwelling.

**13. Design and amenity:**

13.1 Both national and local planning policies, as well as associated guidance, encourage development to be of a high standard. The applicant is proposing a single story building, which has a traditional design in keeping with those of the surrounding area and the wider district. The applicant is proposing facing brick walls with plain roof tiles, plinth and horizontal timber boarding together with casement windows. The scale of the building is not excessive, both in terms of height and footprint. There would be over 100 square metres of private amenity space, which is the amount expected for a three bedrooled dwelling

13.2 Local Plan Policy GEN2(i) requires developments to not create an unacceptable impact on the amenity of nearby occupiers in terms of shadowing, visual dominance or loss of privacy. The dwelling would be a sufficient distance away from its neighbours to ensure that any such impact would not be material.

**14. Biodiversity:**

Local Plan Policy GEN7 requires applicants to show that the development would not have a harmful effect on wildlife or geological features unless the need for the development outweighs the importance of the feature to nature conservation. Applicants also have a legal duty towards legally protected species or habitats. The NPPF also requires development to enhance and contribute to biodiversity where possible. The applicant has submitted a biodiversity questionnaire which has not identified any potential issues.

**15. Access and parking:**

15.1 Applicants are required to show that their development would not compromise the safety of the highway by ensuring that any additional traffic generated by the development can easily be accommodated within the existing highway network (Policy GEN1) and by providing a commensurate level of parking that is appropriate for the development (Policy GEN8).

15.2 The LPA's requirements for parking for residential properties depend, in part, on the number of bedrooms in the dwelling. The internal measurements of the garage are less than the recommended guidelines of 7m by 3m - the external depth is only 6m - and so the building cannot be regarded as a parking bay. Nevertheless, there is sufficient space on site

for more than three cars, and to manoeuvre such vehicles on site, which is sufficient to meet these guidelines for a three bedroom house.

- 15.3 Essex County Council, who act as the local highways authority, have examined the proposal and are satisfied that the scheme is acceptable and meets Policies GEN1 and GEN8.

## 16. Other Issues

Town and Country Planning Act (Environmental Assessment):

- 16.1 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.

Human Rights Act considerations:

- 16.2 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.

## 17 Conclusion

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

- A. The site lies outside development limits and constitutes the use of garden land, a form of development which is not discouraged by the NPPF. The development is considered to be sustainable in this instance.
- B. There are no specific design, access, parking issues or ecology issues arising from the proposal.
- C. The proposal complies with the Neighbourhood Plan and is supported by Thaxted Parish Council.

## RECOMMENDATION

### Conditions - APPROVAL WITH CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to commencement of the development, details of the following external finishes (including samples and/or photographs as appropriate) must be submitted to and approved in writing by the local planning authority:

- Walls: Boarding; Bricks
- Roof: Plain tiles

The development must be carried out in accordance with the approved details.

**Reason:** To ensure compatibility with the character of the area, in accordance with Policy S7 and Policy GEN2 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework

3. The development hereby permitted shall be carried out in strict accordance with the approved plans.

**Reason:** To ensure that the development is carried out in accordance with the approval and the quality of development indicated on the approved plans is achieved in practice, in accordance with policy GEN2 of the Uttlesford Local Plan (2005).

4. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order), no windows or similar openings shall be installed at roof level on the northern and southern elevations.

**Reason:** To preserve the privacy and amenities of neighbouring residents, in accordance Policy GEN2 and H8 of the Uttlesford Local Plan (adopted 2005).

5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

**Reason:** In the interests of the amenity of surrounding locality residential/business premises in accordance with Policies GEN1, GEN2, and GEN4 of the Uttlesford Local Plan (adopted 2005).

6. 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 entitled 'Accessible Homes and Playspace' and the Planning Practice Guidance.

7. No unbound material 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 and in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

8. Prior to occupation of the development, the visibility splays as shown on drawing no SP03 (Dated 11/18) shall be provided and retained free of any obstruction in perpetuity.

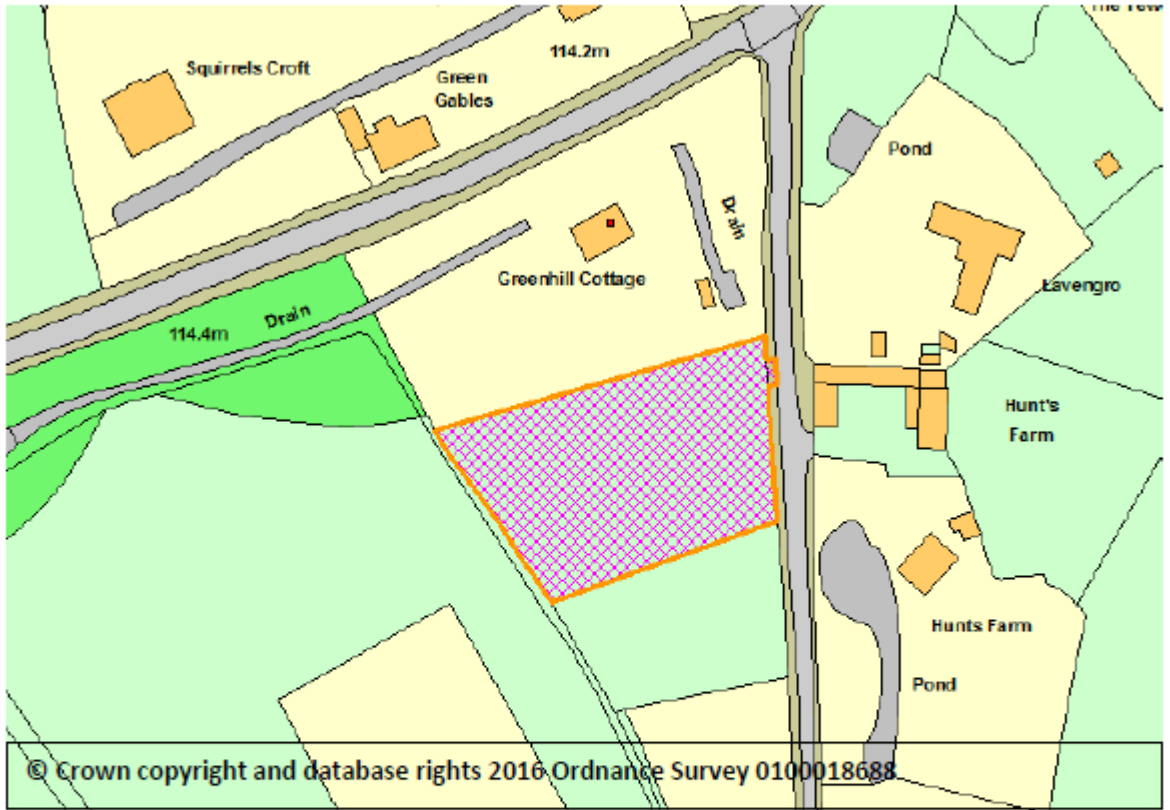
**Reason:** To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety and in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

9. Prior to first occupation of the development, the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided. The access, parking and turning areas shall be retained at all times for their intended purpose.

**Reason:** To ensure that appropriate access, parking and turning is provided in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

10. Prior to first occupation, written details and plans of the proposed refuse/recycling bin storage and collection shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

**Reason:** To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policies GEN2 of the Uttlesford Local Plan (adopted 2005).



Organisation: Uttlesford District Council  
Department: Planning  
Date: 20.03.2019