

UTT/19/0362/FUL - QUENDON

(Quendon)

(Called in by CLLR Hargreaves)

Call in reason- overshadowing of two neighbouring properties, inappropriate and out of scale alteration to a listed building, and damage to the appearance of the flint wall

PROPOSAL: Proposed Barn conversion and change of use to 1 no. Dwelling including extensions and alterations with proposed new vehicular access.

LOCATION: Barn at Hill House, Cambridge Road, Quendon

APPLICANT: Mr Harris

AGENT: Ian Abrams Architect Limited

EXPIRY DATE: 28th June 2019

CASE OFFICER: Chris Tyler

1. NOTATION

1.1 Outside Development Limits,
Curtilage Listed
Conservation Area

2. DESCRIPTION OF SITE

2.1 The application site relates to detached outbuilding located to the front Hill House, in the village of Quendon. The building is constructed of brick and flint under a plain tiled roof, access to the site is via private drive from the highway. The building is curtilage listed.

3. PROPOSAL

3.1 This application seeks planning permission for the conversion and the change of use of the building to a single dwelling. A proposed single storey extension, alterations, new access and gates are included.

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 The applicant has provided a design and access heritage statement in support of the planning application to illustrate the process that has led to the development proposal and to explain and justify the proposal in a structured way.

Also included is a
Protected species and habitat survey
Structural survey

6. RELEVANT SITE HISTORY

- 6.1 UTT/1639/09/LB- Restoration of existing barn installation of new windows and internal alterations- Approved 1/4/2010.

7. POLICIES

7.1 National Policies

- 7.2 National Planning Policy Framework (2019)

7.3 Uttlesford Local Plan (2005)

Policy S7 –The Countryside
Policy GEN1- Access
Policy GEN2 – Design
Policy GEN4- Good Neighbourliness
Policy GEN7 - Nature Conservation
Policy GEN8- Parking Standards
Policy H6- Conversion of rural buildings
Policy ENV1-Design of development within Conservation Areas
Policy ENV2- Development affecting Listed Buildings
Policy ENV14- Contaminated Land

7.4 Supplementary Planning Documents/Guidance

Uttlesford Local Residential Parking Standards (2013)
Supplementary Planning Document- Accessible homes and play space homes
Essex Design Guide
Essex County Council- Parking Standards (2009)
Quendon and Rickling Conservation Area Appraisal (2015)

8. PARISH COUNCIL COMMENTS

- 8.1 The proposal is a relatively small building which may comply with the future housing wishes of the Parish.

The proposal would significantly overlook adjacent and opposite properties.

A new access to the Cambridge road is unacceptable, especially as it would mean demolishing part of an established wall.

9.0 CONSULTATIONS

The Highways Authority

9.1 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and shall be provided with an appropriate vehicular crossing of the footway/highway verge. Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

2. 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.

3. Any gates provided at the vehicular access 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 access to stand clear of the carriageway whilst gates are being opened and closed, in the interest of highway safety.

4. Prior to the first occupation of the development the vehicle parking and turning area as indicated on the drawing no. 103818.01 (Proposed Block Plan, dated Jan '19) shall be provided. The parking and turning area shall be retained at all times for their intended purpose. Reason: To ensure that appropriate parking off the highway and turning is provided.

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

ECC Ecology

9.2 No objection

A bat survey has been undertaken of the buildings in question (Essex Mammal Surveys, Nov 2018), and no evidence of bat presence was found. Further surveys for bats are not required.

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

Conservation Officer

9.3 The application is for a proposed barn conversion to 1 no. dwelling including extensions and alterations with proposed new vehicular access.

The above concerns Barn at Hill House, a Grade II curtilage listed barn within the curtilage of the nearby 'The Kings Head' or 'The Old Rectory'. The property is located within the Rickling And Quendon Conservation Area, within which are located a number of listed buildings and places of special historic interest. I have no objection to the proposed.

Should permission be granted, I recommend the following conditions (or similar to that effect) are imposed:

- a) works shall not be commenced until a schedule of the types and colour of the materials to be used in the external finishes has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details;
- b) details of necessary repairs in addition to the approved plans shall be submitted to and approved in writing by the local planning authority and the repairs shall then be carried in accordance with the approved details;
- c) prior to works commencing details of the proposed method of insulation and internal finishes, shall be agreed in writing with the Local Planning Authority and once agreed shall be carried out in accordance with such details;
- d) prior to works commencing details of repairs and interventions to the existing frame shall be submitted to and approved in writing by the local planning authority and the repairs shall then be carried in accordance with the approved details;
- e) works shall not be commenced until 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 have been 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;
- f) all rainwater goods shall be black and of cast metal and permanently maintained as such;
- g) the rooflights shall be of low profile conservation type, the specification to be approved by the local planning authority before work starts. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such;
- f) all rainwater goods shall be black and of cast metal and permanently maintained as such;
- g) the rooflights shall be of low profile conservation type, the specification to be approved by the local planning authority before work starts.

Furthermore more comments have been received by the conservation officer confirming the gates are appropriate

10 REPRESENTATIONS

- 10.1 Neighbouring consultation expiry – 13/3/2019
Site notice and advertisement expiry - 4/4/2019

12 objections received
The following summaries the comments received

Comments Received	Case Officers Comments
Loss of privacy to neighbouring property	This will be considered in the following report
The proposal destroys the simple integrity of the building.	This will be considered in the following report
The access and removal of the flint wall will degrade the visual amenity of the site	This will be considered in the following report
The proposal will have a serious negative impact to the listed structures and conservation area	This will be considered in the following report

The application claims the work are necessary as the building is poor repair, this carries no weight.	The continued use of the building is a important element of the assessment of this application.
Further para 191 of the NPPF says 'Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.'	This has no relevance to the proposed development
The building is outside the development limits of both the adopted and regulation 19 Local Plan now at Inspection. The NPPF says that emerging Plans gain more weight at each stage and our one is at its final stage and so the development limits carry significant weight.	The emerging local plan is considered within the following report.
Quendon is a small village with limited facilities. One house would make negligible impact on the 5 year land supply and so this I believe should be given very little weight	Agreed this would one dwelling will make limit impact to the 5 year land supply, however this is not the sole assessment of the proposed development
Insufficient landscaping between the application site and neighbouring site	Landscaping and the impact to neighbouring properties is considered in the following report
Inappropriate development of the site, the proposal is not needed	The following report considered whether the development is acceptable.
The proposal does not accord with ULP Policy E5	ULP Policy E5 Considers the use of rural building in the context of business use. The use of ULP Policy H6 is appropriate in the assessment of this application.
Previous approval UTT/1639/09/LB was for essential work and to provide ancillary space to secure the long term use of the building.	This application relates to approved works to the building, including windows and internal alterations. The use of the building had not been changed and remains ancillary use.
Impact to the character of the street scene	This will be considered in the following report, taking into consideration conservation officer comments
Impact to Highway safety, details of traffic offensives have been submitted.	This will be considered in the following report, taking into consideration conservation officer comments
Possible damage to the Grade II listed flint and brick wall	A condition in regards to methods to protect the listed wall during the construction of the development should be used.
Increase in light pollution	This will be assessed in the following report
Inaccuracy's in the planning statement	These have been identified by the case officer and due consideration has been made.
Inaccurate plans	This have been assessed by the case officer and it is considered the plans are sufficient to determine the application
Absence of a UDC Conservation Officer	The application has been considered by conservation and historic officer at Essex County Council (Place Services).
Large increase in footprint	The design of the proposal is considered in the following report

The proposal could lead to further development of the site	Each proposed development is assessed and determined on its own merits
--	--

11 APPRAISAL

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

- A Whether the proposed development is appropriate in this location (ULP Policy S7; NPPF)
- B Whether the development is an appropriate form of development for this building (ULP Policies GEN2, H6, ENV1, ENV2, NPPF)
- C Whether there would be any amenity issues arising from the proposal including, impact from noise and disturbance, loss privacy and overlooking (ULP Policies GEN2 and GEN4)
- D Whether the proposed access and parking arrangements would be appropriate (ULP Policies GEN1 and GEN8, SPD Uttlesford Neighbourhood Parking Standards 2013 and ECC Parking Standards 2009)
- E Impact on Biodiversity and protected species (UDC Policies GEN7 and the NPPF)
- F Contamination Land (ULP Policy ENV14)
- G Any other material considerations.

A Whether the proposed development is appropriate in this location (ULP Policy S7; NPPF)

- 11.1 In planning policy terms, the site lies outside of any established development limits as defined by the Uttlesford Local Plan. Consequently for the purposes of planning, the site is considered to be within the countryside and subject to all national and local policies.
- 11.2 The application site lies beyond the Development Limits on land classed as countryside where policies are generally restrictive. ULP Policy S7 looks to protect the countryside for its own sake by limiting development to that which needs to be there or is appropriate to a rural area. However ULP Policy S7 is only partially consistent with the aims of the NPPF (as set out in ULP/ NPPF Compatibility Assessment 2015). The NPPF takes a positive taking a positive approach, rather than a protective approach to development.
- 11.3 The proposal includes the extension of the existing building, it is not considered the scale of the extension or proposed works to the building will result in any encroachment to the open countryside location of which it is set, this positive approach is consistent with the aims of the NPPF.
- 11.4 The location of the site although outside of the development limits is clearly part of the village of Quendon, the application site is not considered to be isolated location. Paragraph 78 of the NPPF states to promote sustainable development in rural area, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunity for villages to grow and thrive, especially when this will support local services. As such it is considered the location of the site, transport links and facilities within the village of the site this could be achieved.
- 11.5 It is noted that Uttlesford District Council cannot demonstrate an adequate 5 year supply of housing land. Paragraph 11 of the NPPF considers the presumption of sustainable development, this includes where there are no relevant development plan policies, or the policies which are most important for determining the

application are out-of-date (this includes where five year housing supply cannot be delivered)

- 11.6 Due to the sustainable location of the site, the less than substantial harm cause to the open rural character of the site and lack of housing supply it is considered the proposal accords with the aims of paragraphs 11 and 78 of the NPPF and ULP Policy S7.

B Whether the development is an appropriate form of development for this building (ULP Policies GEN2, H6, ENV1, ENV2, NPPF)

- 11.7 Paragraph 124 of the NPPF states Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

- 11.8 ULP Policy GEN2 states development advises development will not be permitted unless:

It is compatible with scale, form, layout, appearance and materials of surrounding buildings.

It safeguards the important environmental feature in its setting enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate

- 11.9 The outbuilding is located in the residential curtilage of Hill House and is set back from the main highway to the front of the site. Conversion of the building includes the introduction of a single storey extension to the front elevation. The extension is considered of a subservient scale and appropriate traditional design, the introduction of external weather boarding is considered an acceptable finish at this location. The external works include installation of windows which considered appropriate in the context of building.

- 11.10 In terms of amenity, a large private amenity has been provided and would be compatible with the aims set out in the Essex Design Guide. Landscaping and enhancement is proposed including post and rail fenced and hedging. However a pre commencement condition is recommended for further landscaping details to be submitted.

- 11.11 The proposal includes the introduction of a new access and gates; these will cut into the existing wall to the front of the site, resulting in some loss of the established wall. The existing dwelling and surrounding area includes a mixture of scale and designed properties and a number of varied access points to the highways, it is this mixture of design that actively contributes to the character of the site and surrounding area.

- 11.12 The scale and size of the proposed gates are comparable with the host dwelling of Hill House, although of a timber construction. As such the design of the development is considered to be compatible with the site and its surroundings.

- 11.13 ULP Policy H6 relates to the conversion of rural buildings to residential use and is only partly consistent with the NPPF. ULP Policy H6 is inconsistent with the National Planning Policy Framework as the NPPF includes no preferences for any particular new use of a converted building and it does not have to be structurally sound or require the historic, traditional or vernacular of the converted building to

enhance the character and appearance of the rural area.

11.14 That being said, the following assess the development against ULP Policy H6

The conversion of rural building to dwelling will be permitted if all the following apply

A) It can be demonstrated that there are no significant demand for business use, small scale retail outlets tourist accommodation or community use.

b) They are in sound structural condition

c) Their historic, traditional or vernacular form enhance the character and appearance of the rural area

d) The conservation works respect and conserve the characteristics of the building,

e) Private garden area can be provided.

11.15 Given the location of the building and the access being in very close proximity to the neighbouring residential properties it is considered that commercial uses would be likely to result in loss of residential amenity. Tourist accommodation could be appropriate for this building however may not be a viable development.

11.16 Structural information has been submitted with the application which demonstrates that the buildings are structurally sound and capable of conversion.

Its tradition form and design of the building will be compatible with the rural character of the site.

The proposal will result in continue to conserve and respect the tradition characteristic of the building.

Sufficient private garden space is provided.

As such it is considered the proposal accords with ULP Policy H6

11.17 In regards to whether the proposal will result in a harmful impact to the setting and character of the heritage asset and conservation area, as set out in Sections 66(1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. ULP Policy ENV2 states development affecting listed buildings should be in keeping with its scale, character and surroundings.

11.18 A Heritage Statement has been submitted to give details as to how the proposals would be carried out and how it would impact on the fabric and character of the building. The Council's Conservation Officer has been consulted; no objections have been made subject to the imposition of conditions.

11.19 NPPF Paragraph 192 states in determining application, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness

11.20 The proposal will result in an enhancement to the current heritage asset and contribute to a viable future use within the form of the converted building. The conservation of the heritage asset will contribute to a well-designed small dwelling that will contribute to a sustainable community. The design of the development is

compatible with local form and character of the area, therefore making a positive contribution.

The extent of the conversion and proposed external works are low key and one which would retain as much as possible of the existing characteristics of this heritage asset. These types of rural buildings are of limited use and it is important to find a viable use for them so that their survival is assured. The barn building, access and gates are of a sufficient distance from the neighbouring listed building to result in any significant harm to their setting.

- 11.21 In terms of the impact to the setting and character of the listed building. It is considered the proposal is in accordance with ULP Policy ENV2, the NPPF and section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 11.22 The application site is located within the conservation area of Quendon and includes a range of different range of boundary treatments, including wooden picket fences, flint walls, and brick piers, as stated in the Quendon and Rickling Conservation Area Appraisal (2015).
- 11.23 The proposed gates and access will result in material change to the appearance to the front of the site, however taking in to consideration the surrounding character of neighbouring properties the development will not be out of place or detrimental to the appearance of the conservation area.

The council's conservation officer has been consulted, no objection has been raised in regards to the impact to the character of the conservation area.

The development is in accordance with the aims of ENV1, NPPF and section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

C Whether there would be any amenity issues arising from the proposal including, impact from noise and disturbance, loss privacy and overlooking (ULP Policies GEN2 and GEN4)

- 11.24 ULP Policy GEN2 relates to design and seeks to ensure development proposals protect the amenity of existing residents and provide a form of development that meets the reasonable needs of potential users. The building is located to the front of the site the proposal, is of a significant distance from the host dwelling to not result in any loss of amenity.
- 11.25 To the side of the site is the residential property of The Old Kings Head, this will include a shared boundary. The siting of the barn within the application is at a higher ground level, therefore due to the insertion of the windows at first floor level there is the potential for some loss of privacy to the neighbouring property.
- 11.26 The first floor windows to the north and west elevation will be set at 1.6m above the floor level and therefore any overlooking will be limited, that being said it is considered the imposition of a condition for the use of obscure glazing in these windows will ensure there will be no loss of privacy.
- 11.27 Although windows are proposed at the ground floor level the loss of privacy caused by this is limited and considered not of a significant level to result in the refusal of the application. The boundary of the site includes some hedgerow and vegetation, the further use of landscaping is likely to improve privacy for the neighbouring property.

11.29 As such a pre commencement landscaping condition should be included to mitigate the limited loss of privacy, this should include the use mature planting, screening prior to the occupation of the dwelling. Taking into consideration the current use of the site and ancillary building it is considered the change of use and conversion of the building will not result in a significant loss of privacy or overlooking and is in accordance with ULP Policy GEN2.

11.30 ULP Policy GEN4 considered the impact from the development due to noise and disturbance.

The development will include the use of the area to the side and front of the building as private garden area. The current use of this area is garden area associated with Hill House and use of the building is ancillary to the host dwelling. As such the use of the building and surrounding area could already potentially result in some level of domestic residential noise and disturbance.

11.31 The change of use of the surrounding site and conversion of the building to a one bedroom separate residential dwelling is not considered to result in such material intensification of use that will result in any significant level of harm to neighbouring properties. The Council's Environmental Health Officers have been consulted in regards to noise impact; no objections or further recommendation are made. The proposal accords with ULP Policy GEN4 in regards to noise and disturbance.

D Whether the proposed access and parking arrangements would be appropriate (ULP Policies GEN1 and GEN8, SPD Uttlesford Neighbourhood Parking Standards 2013 and ECC Parking Standards 2009)

11.35 The proposal includes a new access from the highway to serve the dwelling. The increase in vehicular traffic due to a single dwelling using this access should not give rise to any adverse loss of residential amenity. The Highways Authority have been consulted, no objections have been made to highway safety subject to conditions.

11.36 As such it is considered the proposal will not result in any significant impact to highway safety subject to conditions and informative. Therefore the proposal is in accordance with ULP Policy GEN1.

11.37 The submitted block plan include appropriate details of parking provision and turning area for the one bedroom property, it is considered the proposal is in accordance with ULP Policy GEN8 and the aims of Uttlesford Neighbourhood Parking Standards 2013 and ECC Parking Standards 2009.

E Impact on Biodiversity and protected species (UDC Policies GEN7 and the NPPF)

11.38 Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife and protected species will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.

11.39 A protected species survey has been submitted, no objections have been received from Essex county Council Ecology, as such it is considered the proposed development complies with Policy GEN7

F Contamination Land (ULP Policy ENV14)

11.40 ULP Policy ENV14 considers the proposal in regards to contaminated land due to its previous uses. The councils environmental health officers have been consulted in regards to the conversion of the barn building, no objections or further recommendations have been made. As such it is considered the proposal is in accordance with ULP Policy ENV14.

G Any other material considerations

11.41 The following policies are included in the emerging Local Plan submission and therefore have been considered in the assessment of the application; these policies hold some limited weight.

D1- High Quality Design
SP10 Protection of the countryside
EN4- Development affecting Listed Buildings
EN2- Design of development within conservation areas
TA1- Accessible Development
TA4- Vehicle Parking Standards
EN8- Protecting the natural environment
EN17- Noise sensitive development
EN18- Contaminated land
C2- reuse of rural buildings

12 CONCLUSION

12.1 In conclusion the proposed conversion and change of the building to residential as submitted will represent an acceptable form of sustainable development in terms of countryside impact, design, layout, and amenity, access, parking arrangements. The proposal would comply with national and relevant local plan policy and is acceptable.

RECOMMENDATION – APPROVAL , SUBJECT TO CONDITIONS

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 Prior to commencement of the development, details of all hard and soft landscaping (including planting, hard surfaces and boundary treatment) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. This should include boundary treatment between the site and neighbouring property.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written

consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure compatibility with the character of the area in accordance with ULP Policies S7 and GEN2 of the Uttlesford Local Plan (adopted 2005)

- 3 Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and shall be provided with an appropriate vehicular crossing of the footway/highway verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety and in accordance with ULP Policy GEN1.

- 4 Any gates provided at the vehicular access 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 access to stand clear of the carriageway whilst gates are being opened and closed, in the interest of highway safety and in accordance with ULP Policy GEN1.

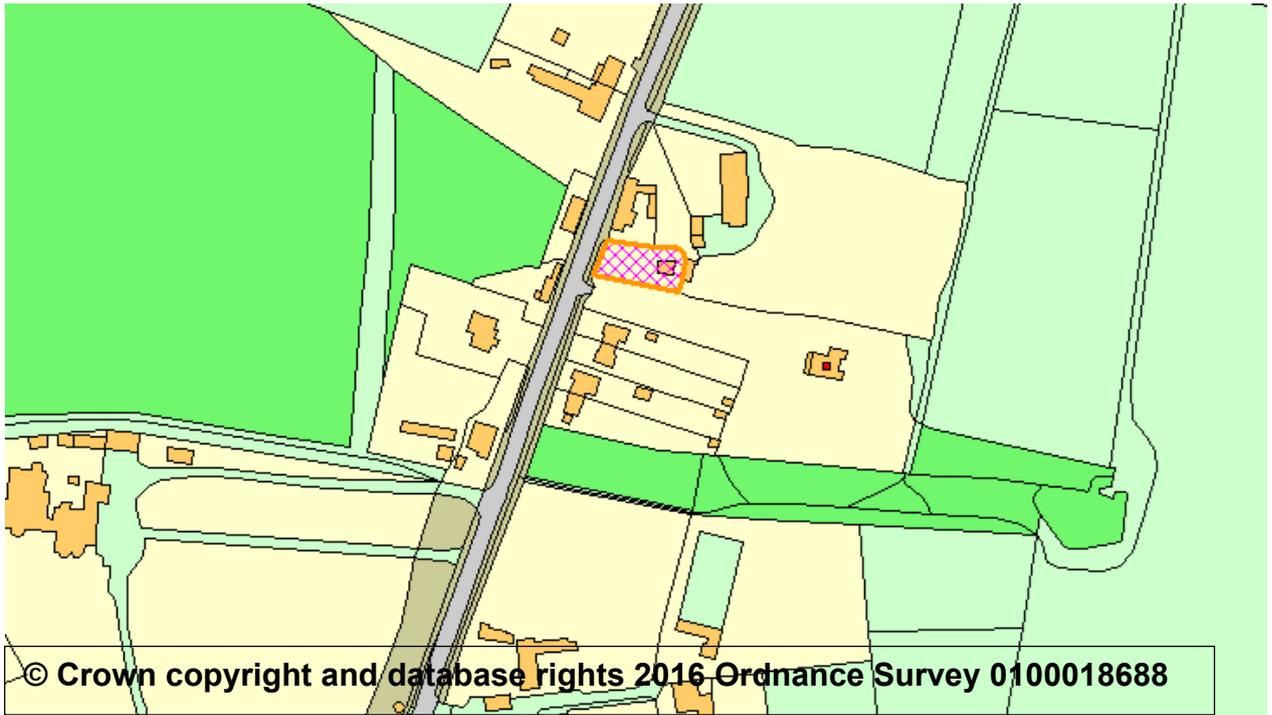
- 5 Prior to the first occupation of the development the vehicle parking and turning area as indicated on the drawing no. 103818.01 (Proposed Block Plan, dated Jan '19) shall be provided. The parking and turning area shall be retained at all times for their intended purpose.

REASON: To ensure that appropriate parking off the highway and turning is provided and in accordance with ULP Policy GEN1.

- 6 The first floor windows to the north and west elevation on approved plan (103818.02 shall be fitted with opening restrictors and shall be obscure glazed with glass of obscuration level 4 or 5 of the range of glass manufactured by Pilkington plc at the date of this permission or of an equivalent standard agreed in writing by the local planning authority.

The obscure glazing and opening restrictors will be retained thereafter unless prior written approval is given from the Local Planning Authority.

REASON: To avoid overlooking of the adjacent property in the interests of residential amenity in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005).



© Crown copyright and database rights 2016 Ordnance Survey 0100018688

Organisation: Uttlesford District Council

Department: Planning

Date: 10th June 2019