

UTT/19/1463/FUL (THAXTED)

(Referred to Committee by Cllr Tayler if recommendation is refusal. Reason:) Proposal is an appropriate development in a rural setting.

PROPOSAL: Demolition of existing dwelling, garage and stables and erection of replacement dwelling complete with infrastructure and access

LOCATION: Land At Robels, Cutlers Green, Cutlers Green Lane, Thaxted

APPLICANT: Mr & Mrs Ian & Karen Westlake

AGENT: Mr Chris Loon

EXPIRY DATE: 14 August (Extension of time until 20 September)

CASE OFFICER: Jonathan Doe

1. NOTATION

- 1.1 Outside settlement limits
To the north of the site both sides of the road, both verges of the highway, are Special Verges.

2. DESCRIPTION OF SITE

- 2.1 The site is a parcel of land on the northeastern side of Cutlers Green Road to the south of a junction of a track leading to Millhill Farm with Cutlers Green Lane. There is a mature hedge along this part of Cutlers Green Road adjoining and forming a part of the site. The site has a house at its southern end, a garage at a central part and behind the garage a stable building.
- 2.2 To the north is a horse paddock. There is a house on the opposite side of the road and another house further north. To the southeast is a ribbon of housing on the north eastern side of the road and then housing enclosing the green at Cutlers Green.
- 2.3 Cutlers Green is a small linear settlement of loose dwellings that lies approximately a mile to the north-west of Thaxted village.

3. PROPOSAL

- 3.1 Demolition of existing dwelling, garage and stables and erection of replacement dwelling complete with infrastructure and access.
- 3.2 Robels is a semi-detached house with a wide plot running parallel with Cutlers Green Road. To the side of the house are three buildings, one of which has a lawful use as a residential use, which would be demolished to enable a detached house to be erected.
- 3.3 The house would be two-storey with a pitched roof .The house would be some 4.5m to the eaves and with a maximum height of 6.5m to the ridge. The timber cladding to the walls and slate roof could read from a distance as an agricultural structure although sizeable fenestration, in particular glazing running up to eaves level of an

asymmetric front gable, would weaken such an impression.

- 3.4 The proposed house would be set back from the road. A front bay would be some 6m from the frontage of the site and the main side to side bay would be some 12m from the site frontage.

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 documentation includes a drainage plan; a report assessing views of the site in the landscape; a completed biodiversity validation checklist and a preliminary ecological appraisal incorporating a bat survey inspection; and, a planning, design and access statement. The planning statement includes the points that there is a bus service for Cutlers Green and that Thaxted is about a mile away.
- 5.2 The planning, design and access statement refers to how the dwelling would incorporate sustainability features including photovoltaic panels and an air source heat pump.

6. RELEVANT SITE HISTORY

- 6.1 Planning permission, UTT/1007/98/FUL, was granted for a garage in 1998. In 2006 planning permission, UTT/0172/06/FUL, was granted for a two-storey rear extension to the garage. In 2009 planning permission, UTT/0742/09/FUL, was granted to change the garage to a home office. The building which had originally been a garage was the subject of an application for a certificate of lawfulness for an existing use of an annexe as separate residential dwelling. This use was deemed lawful in 2017.

7. POLICIES

Uttlesford Local Plan (2005)

S7 - The Countryside
GEN1 – Access
GEN2 – Design
GEN7 - Nature Conservation
GEN8 - Vehicle Parking Standards
ENV7 - Protection of Natural Environment – Designated Sites
ENV15 - Renewable Energy
H7 - Replacement dwellings

Supplementary Planning Documents/Guidance

Accessible Homes and Play Space

National Policies

National Planning Policy Guidance (NPPF) (February 2019)

Other Material Considerations

Thaxted Neighbourhood Plan 2015 – 2032
ECC Parking Standards
UDC Parking Standards
Essex Design Guide (2018 version)

8. TOWN COUNCIL COMMENTS

- 8.1 RESOLVED to SUPPORT with a recorded vote: on the following conditions:
For: Cllr's: Spencer, Knight, Howells, Frater, Brazier, Frostick, Barrington. (7)
Against: Williams, Morgan 1 vote The Neighbourhood Plan delivery Group (3)
On the conditions that, we Note that This dwelling is situated within an area of sensitive landscape as denoted in the Neighbourhood plan. On the provision that this is not in contravention of the Thaxted Neighbourhood Plan and any of its Policies, in particular TX LSC1 & 2&3 and THXD1 & TX LSC4 including any of the policies contained within the Uttlesford Local Plan such as policy S7 of the Local Plan.

9. CONSULTATIONS

Ecology

- 9.1 No objection subject to securing biodiversity mitigation and enhancement measures.

Conditions recommended regarding:

- Implementation of ecological mitigation and enhancement works
- Wildlife sensitive lighting scheme

Natural Sciences Officer & Uttlesford Special Roadside Verges Coordinator

- 9.2 The site is adjacent to a designated Special Roadside Verge Site. UDC policy ENV7 applies.
UTT19C Cutlers Green Special Roadside Verges are on the west and east sides of sides of Bolford Street between grid references TL589313 - TL591311. The Cutlers Green West verge ends by the field track at the side of Mill Cottage. The Cutlers Green East verge ends at the road entrance to Mill Hill Farm. The ends of the special verges were marked with wooden posts and white plaques with arrows pointing in the direction that the verges run (→ and ←) and the words ROADSIDE NATURE RESERVE MANAGED FOR WILDLIFE Essex Wildlife Trust 01621 862980 Essex County Council 01245 437655. However I found during a recent visit to the verge sites that the posts marking the southern ends of the west and east verges had both disappeared. A map of the special verge sites is attached to the email with this response. The verges extend further than shown in the diagram Fig.1, section 4.1.2. of the Preliminary Ecological Appraisal. These verges support species rich chalk grassland. The rich flora on the verges includes Nationally Scarce Plant Sulphur Clover Trifolium ochroleucon and a wide range of other chalk grassland plants: Agrimony, Bird's-foot Trefoil, Black Medic, Creeping Buttercup, Meadow Buttercup, Common Knapweed, Greater Knapweed, Great Willowherb, Hedge Bedstraw, Lady's Bedstraw, Meadowsweet, Meadow Vetchling, Restharrow, Ribbed Melilot, Silverleaf, Sweet Cicely, Tufted Vetch, Wild Onion and Yarrow This habitat is now very rare in the UK. 97% of this grassland had been destroyed in England and Wales by 1984 and losses have continued since that time. The Special Roadside Verges scheme for Essex seeks to safeguard the last verge sites in the

county where rare plants still grow.

I do not object to this application if a condition is put in place to protect the special verges from damage during the period of construction, if development is approved. For example;

"No development shall commence until the developer provides a Construction Management Plan which includes the requirements that:

1. All construction operatives are to be made aware of the location of the special verges.
2. The special verges are not to be used for storage of construction materials.
3. Construction vehicles should not drive onto the special verges or park on them.
4. If it is not possible to comply with points 2 and 3 a membrane is to be used to protect the special verges adjacent to the site entrance. Such that 'Development shall not commence until a membrane has been laid down to protect the special roadside verges on the west and east sides of Cutlers Green Lane. Membrane to be laid over the verge for 25 metres from ends of the special verges, which are adjacent to Mill Cottage on the western side of the road and adjacent to the entrance to Mill Hill Farm on the eastern side of the road.'
5. No topsoil or other material is to be added to the special verges.
6. No mowing of the special verges is to be carried out by construction operatives.

10. REPRESENTATIONS

- 10.1 A site notice was posted and 11 letters were sent to occupiers of neighbouring properties. 4 written representations were received which make the following points:
- Good design
 - The parcel within which the site sits was specifically identified within the Neighbourhood Plan as an area with the highest sensitivity to change and the least able to accommodate new development.
 - Appears to be to a similar scale to the house on the opposite side of the road and with similar design cues
 - Screened by the existing landscape.
 - Would replace a mix match of buildings and create a much more appealing and well-designed single sustainable building and enhance the setting.
 - A neutral impact on the landscape as it would be barely visible (as the existing buildings are currently) from any viewpoint around the rural setting of Thaxted.

11. APPRAISAL

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

- A Principle of development, effect of the proposal on the character and appearance of the area and location of the site with regard to the principles for sustainable development (Policies S7 and H3, Thaxted Neighbourhood Plan);
- B Impact on protected/ priority species and other biodiversity issues (Policies GEN7 and ENV7);
- C Impact to neighbours (Policy GEN2)
- D Whether the house would provide sufficient amenity to future occupiers (Policy GEN2)
- E Car parking and highway access (Policies GEN1 and GEN8)
- F Other matters

A Principle of development, effect of the proposal on the character and appearance of the area and location of the site with regard to the principles for sustainable development (Policies S7 and H3, Thaxted Neighbourhood Plan);

- 11.1 The proposal is located outside any defined settlement limit. The centre of Thaxted is about a mile away as the crow flies. Within such a locality Policy S7 is relevant. Policy S7 seeks to protect the countryside for its own sake. However, part of the text of Policy S7 states that planning permission will be given for development that is appropriate to a rural area. Within such a locality as the application site development will be permitted if its appearance protects the particular character of the part of the countryside within which it is set.
- 11.2 It is considered that the character of this particular part of the countryside is that of the edge of a cluster of ribbon development where the vehicular access to Millhill Farm House forms something of a boundary after which to the northwest the character changes to that of open countryside defined by agricultural fields. To the southeast is a continuous, though low density, run of more than a half a dozen residential properties. These properties are of a modest scale.
- 11.3 There is a mature natural hedge with mature trees interspersed along it set a short way back from the carriageway edge. This would provide a screen to the ground floor with the trees partially obscuring the first floor and roof. This length of vegetation would limit the visual impact of the proposal from the road but the impression of a built form would be perceived. The extent of first floor glazing and the two front bays would detract from the otherwise barn-like nature of the proposed house. Furthermore, the southeast elevation would be seen in an oblique view from a length of the road as there would be an isolation distance of some 30m between the existing built form of the house at Robels and the proposed built form. The eastern side elevation, visible in views from the southeast, would feature a glazed gable and the side of a front bay. The very shallow pitch, some 30 degrees, to the roof of the eastern front bay would be visible in such a view.
- 11.4 It is considered that the proposal would have a material adverse effect to the appearance and character of the site and its setting by introducing a two-storey built form into the countryside. As such it is fundamentally contrary to the requirement of Policy S7 to protect or enhance the character of the countryside. It is considered that the proposal is essentially contrary to the National Planning Policy Framework which, whilst advocating good design, also expects developments to fit in with the overall form and layout of their surroundings and be sympathetic to local character history including the surrounding built environment and landscape setting (Section 12).
- 11.5 Policy H3 is not directly relevant in that the proposal would not generally be considered to be infilling in that it would not occupy a gap between built forms. Furthermore, Policy H3 requires development to be compatible with the character of the settlement and its countryside setting. It is considered that the scale of the proposed dwelling would be incompatible with the modest scaled original ribbon development and one-and-a-half scale dwellings to the southeast of the site. The proposed sizeable detached house with no clearly defined frontage to the road would not fit the pattern of existing built forms.
- 11.6 With regard to Policy H7, which is concerned with replacement dwellings, the proposal is considered unacceptable in that it would not be in character with neighbouring properties. Its immediate neighbours would be Robels and Bluebell

Cottage which is a semi-detached pair.

- 11.7 At paragraph 17 of the SPD for replacement dwellings it is stated "If the property you want to replace forms part of a group of houses which stand together in the countryside the new house should be in scale and character with neighbouring properties in terms of height and volume." The volume of the proposal would be significantly greater than that of neighbouring properties and this discrepancy would be visible.
- 11.8 The design includes a balcony at first-floor level across the rear elevation of the house. This would provide distant views to the north and by the same token the balcony and the silhouette of the built form of the house behind the balcony would be seen from far away. To the north of the site are public rights of way, including part Harcamlow Way. The house would detract from the appearance and character of the countryside in which the site is set by introducing a sizeable and somewhat squat two-storey built form visible from public vantage points to the north of the site.
- 11.9 The site is situated within a relatively sustainable location along a C classified road which has a regular bus service connecting Debden and Thaxted and beyond whereupon the principle of development was not considered to be an issue with regard to location for approved planning application UTT/18/0851/FUL for a new dwelling, now known as Swallows Cottage.
- 11.10 In conclusion with regard to the principle of development, the nature of the proposal is such that it would not protect the particular character of the part of countryside within which it would be set and there are no special reason why the development in the form proposed needs to be there. With regard to the Thaxted Neighbourhood Plan, the proposal is both contrary to Policy TXHD1; which is concerned with appropriateness in the context of landscaping; and Policy LSC4; which requires that design should seek preserve and where possible, enhance the surrounding landscape setting.

B Impact on protected/ priority species and other biodiversity issues (Policies GEN7 and ENV7);

- 11.11 A Preliminary Ecological Appraisal incorporating a bat survey inspection forms part of the planning application documentation. Essex County Council, Place Services, Ecology has been consulted on the application and a written response received to the effect that no objection is raised subject to conditions being imposed on any planning permission. Accordingly the proposal is considered acceptable with regard to Policy GEN7.
- 11.12 With regard to Policy ENV7, specialist advice has been received from the Natural Sciences Officer & Uttlesford Special Roadside Verges Coordinator. This confirms that the site is adjacent to a designated Special Roadside Verge Site. However, the site does not directly adjoin a Special Verge; the nearest designated Special Verge commences the far side of the track to Millhouse Farm House. Nevertheless, the written advice of a specialist advisor makes clear how the habitat of the Special Verge is now very rare in the UK. 97% of such grassland had been destroyed in England and Wales by 1984 and losses have continued since that time. The Special Roadside Verges scheme for Essex seeks to safeguard the last verge sites in the county where rare plants still grow. Specialist advice on this matter does not object to this application if a condition is put in place to protect the special verges from damage during the period of construction, if development is approved.
- 11.13

Accordingly the proposal is considered acceptable with regard to Policy ENV7 subject to a condition to any planning permission that a construction management plan, with requirements to protect the Special Verge, would be provided to the local planning authority.

C

Impact to neighbours (Policy GEN2)

11.14

The east side elevation would face toward the rear garden of Robels and other rear gardens of residential properties to the southeast. However, the detailed design has taken this into account by glazing on this elevation being an obscure glazed window or high-level windows; windows with a cill height just above eye level. The orientation and isolation distances of the proposed house are such that there would be no material adverse impact to any neighbour.

11.15

The proposal is considered acceptable with regard to Policy GEN2, impact to neighbours, although any planning permission should be subject to a condition to remove Permitted Development rights to ensure that the detailed design remain such that no overlooking would occur to neighbours.

D

Whether the house would provide sufficient amenity to future occupiers (Policy GEN2)

11.16

The property would have a private amenity area, set to the side of the house but screened from the road by the vegetation along the road, of some 400 sq m. The proposal is considered acceptable with regard to Policy GEN2, provision to meet reasonable needs of potential users.

E

Car parking and highway access (Policies GEN1 and GEN8)

11.17

The proposed house would use an existing vehicular access to the highway. The local highway authority was consulted on the application with a response being requested 12th July 2019. No response has been received to date. Given that no new access would be created, it considered that the proposal is acceptable with regard to Policy GEN1.

11.18

The plans show that the proposed four-bedroom house would have a gravel area of a sufficient size for three car parking spaces. The proposal would be acceptable with regard to Policy GEN8.

F

Other matters

11.19

This design, by a Chartered Architect, incorporates sustainability features; principally an air sourced heat pump and PV panels. This is welcomed and in accord with Policy ENV15.

12. CONCLUSION

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

- A** The proposal would detract from the rural character of the setting of the site by the nature of its scale and form. The site is in a reasonably sustainable location.
- B** The proposal is acceptable with regard to nature conservation
- C** There would be no material adverse impact to neighbours
- D** The house would provide sufficient amenity to future occupiers

- E** Car parking and highway access are acceptable
- F** Sustainability features to the design are welcomed

RECOMMENDATION – REFUSAL

Reason

1. The proposal; by virtue of by reason of the introduction of a substantial built form with a character and positioning which would be at odds with that of neighbouring residential development to the southeast; would have a significant adverse effect on the streetscene and character and appearance of the area. As such the proposal would be contrary to Policies S7, GEN2 and H7 of the adopted Uttlesford Local Plan and also Policies TXLSC4 and TXHD1 of the made Thaxted Neighbourhood Plan and the provisions of the National Planning Policy Framework to add to the overall quality of an area.