

## UTT/19/2545/FUL (ELSENHAM)

(Referred to Committee by Cllr Lees. Reason: significant local interest, inappropriate land fill, and too little parking space)

**PROPOSAL:** Proposed demolition of existing house and erection of 3no. 4-bedroom dwellings

**LOCATION:** Crossways , Station Road, Elsenham

**APPLICANT:** Mr D Salisbury

**AGENT:** Mr Michael McGarr, English Architectural

**EXPIRY DATE:** 10<sup>th</sup> December, 2019

**CASE OFFICER:** Jonathan Doe

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### **1. NOTATION**

1.1 Within Defined Development Limit of Elsenham

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

2.1 The site is that of a four-bedroom detached house and its curtilage. The site is on the western side of Station Road. To the rear of the house is single storey building providing annex type accommodation and a detached double garage.

2.2 The site appears to have been relatively recently gated by a pair of solid gates some 2m in height and there is a tall hedge along the remainder of the frontage of the site.

2.3 The site is on the opposite side of the road to but near the junction of Station Road with The Croft. The site is some 130m north of the mini-roundabout junction of Station Road with High Street, Stansted Road and Robin Hood Road.

2.4 To the south of the application property is a chalet type dwelling known as The Stocks. To the north of the application property is a detached known as Oak Lodge. The site backs onto tennis courts and other parts of a recreation ground.

### **3. PROPOSAL**

3.1 Proposed demolition of existing house and erection of 3no. 4-bedroom dwellings.

3.2 The three detached houses would be evenly set out in line facing Station Road with their front elevations approximately at the line of the face of the front elevation of the house existing on the site. The three houses would share a single common vehicular access, the existing access. The existing hedge would be reduced in size but retained along the front boundary of the site.

3.3 The three houses would be to essentially the same design although different external materials and varied decorations to the front gables would provide visual interest. The houses would have integral double garages set onto the shared drive of permeable pavers running across the site. The fronts of the garages

would project forward of the rest of the front elevations of the houses to form single storey front bays. These bays would have front gables which would have a window set in. A bedroom would be set in each gable roof above the garage.

- 3.4 The front bays, of integral garage with accommodation above, would produce at L-shaped footprint at the front of each house. The main element of each house would have a side roof slope which would follow down to the height of the eaves along the side of the front bay. The breaking up of built form on the front elevations and the relatively low eaves height to one side of each house would, it is considered, reduce the apparent visual bulk of the houses.
- 3.5 The houses would be 4.8m in height to the eaves of the full two-storey element of the house and 3m in height to the eaves along the integral garage front bay. The houses would have a maximum height of 8m to the ridge of the gable roofs.
- 3.6 External materials would consist of brick, painted render or painted weatherboard to the walls, clay tiles to the roofs.

#### **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 an extract from the Environment Agency's flood map; a copy of a consultation response from Environmental Health for a previous application at the site; a copy of a consultation response from Place Services, Ecology for a previous application at the site; a bat survey; and, a design and access statement.
- 5.2 The design and access statement points out that the site is in a sustainable location and has an existing vehicular access.

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

- 6.1 UTT/19/0107/FUL - Proposed demolition of existing house and outbuilding and erection of 5 no. 3-bedroom dwellings – Withdrawn 21.06.2019

#### **7. POLICIES**

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

S3 – Other Development Limits

GEN1 – Access

GEN2 – Design

GEN3 – Flood Protection

GEN7 – Nature Conservation

GEN8 – Vehicle Parking Standards

H3 – New Houses within Development Limits

H10 – Housing Mix

## **Supplementary Planning Documents/Guidance**

SPD "Accessible Homes and Playspace"

### **National Policies**

National Planning Policy Guidance (NPPF) (February 2019)

### **Other Material Considerations**

ECC Parking Standards  
UDC Parking Standards  
Essex Design Guide (2018 version)  
Uttlesford Local Heritage List October 2018

## **8. PARISH COUNCIL COMMENTS**

8.1 No response at time of drafting of report.

## **9. CONSULTATIONS**

### **Ecology**

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

### **Environmental Health**

9.2 This is a revised application to one submitted under UTT/19/0107/FUL (and which was subsequently withdrawn). The application seeks consent for the demolition of an existing single detached dwelling and the redevelopment of the site to provide 3 new detached dwellings. The site is bounded by residential properties to the north, south and east. The M11 motorway is some 600m+ to the west of the site, and there is a railway line 220m to the east, beyond an existing residential estate. To the immediate rear (west) of the site are two floodlit tennis courts, a bowls club and recreational park.

9.3 Key transport noise sources are some distance from the site, with the M11 motorway some 600m+ to the west, and the railway line 220m to the east. Station Road will be a source of traffic noise, but it is noted that the proposed dwellings are set back in the plot beyond the proposed parking areas, and it is considered that standard double glazing should reduce internal noise impacts, whilst the dwellings will provide protection to the rear garden areas. The two floodlit tennis courts and recreational park are a further potential source of noise when used, although this is not incompatible with the existing established residential use in the area. It is noted that 2m high fencing is proposed to protect the gardens and standard double glazing will provide protection to internal areas. No specific noise related conditions are therefore considered necessary in respect of the application as proposed.

9.4 The current constraints mapping shows that the nearest potentially contaminative historic features are the railway line to the east, with a cemetery adjacent to it, and an area of unknown filled ground some 220m to the north-east. These are not considered significant in the context of the proposed development. The current use of the site is residential, although this does include a double garage

and annex building. In view of this and the proposed residential use of the site, it is recommended that the following informative is attached to any consent granted for this application:

- 9.5 The applicant is advised that it is their responsibility to ensure that final ground conditions are fit for the end use of the site. If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

## **10. REPRESENTATIONS**

- 10.1 30 letters were sent to occupiers of neighbouring properties. 7 written representations have been received. A summary of the points raised in the representations is:
- Lovely dwelling to be demolished adds to the character of the village
  - House should be retained and restored
  - Plans are inadequate
  - Proposed development would be overbearing and out of character
  - Loss of privacy
  - Garages too small
  - Site is at risk of flooding from surface water
  - Ditch at rear of site should be maintained by owner
  - Annex was used as a separate property and so two dwellings would be demolished
  - Design of proposed dwellings does not fit the area
  - Loss of wildlife on site
  - Proposal would be cramped development
  - Could cause traffic problems
  - Village overrun with four-bedroomed houses
  - Overshadowing
  - No consideration for the street scene
  - Owners are simply looking to maximise profit
  - Would be criminal to knock down this much admired house set in leafy grounds
  - Trees will be lost
  - Elsenham has taken more than its fair share of new housing developments
  - House and gardens have been in a state of poor repair for some time, new houses could only look better.

## **11. APPRAISAL**

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

- A The principle of the development (Policies S3 and H3)
- B Appearance of the proposed houses in the street scene (Policy GEN2)
- C Merit of the existing house to appearance and character of the site and its setting; any status as a non-designated heritage asset (NPPF, especially paragraph 197)
- D Impact to neighbours (Policy GEN2)
- E Vehicular access and parking (Policies GEN1 and GEN8)
- F Amenity of future occupiers (Policy GEN2)

- G Nature conservation (Policy GEN7)
- H Housing mix (Policy H10)
- I Flood risk (Policy GEN3)

**A The principle of the development (Policies S3 and H3)**

- 11.1 The site is within the Defined Development Limit of Elsenham; the proposal is for residential development within a residential area.
- 11.2 Policy S3 states that within Key Rural Settlements, such as Elsenham, development compatible with the settlement's character and countryside setting will be permitted. Policy H3 states that infilling with new houses will be permitted on land in a list of defined settlements, which includes Elsenham, if the development would be compatible with the character of the settlement. Policy H3 goes on to say that windfall sites will be permitted if they meet all of a number of criteria.
- 11.3 The first criterion of Policy H3 is that the site comprises previously developed land. This is the case.
- 11.4 The second criterion is that the site has reasonable accessibility to jobs, shops and services by means other than the car. Elsenham is a sustainable location and as such the second criterion is met.
- 11.5 The third criterion is that existing infrastructure has the capacity to absorb further development. Whilst a number of written representations from neighbouring residents have questioned whether this is the case, infrastructure provision in a settlement the size of Elsenham is better than in many locations within the district and a reason for refusal on this basis would not be tenable.
- 11.6 The fourth criterion is that development would support local services and facilities. The addition of three households would support local services and facilities.
- 11.7 The site is not a key employment site.
- 11.8 The development would avoid making inefficient use of land.
- 11.9 Furthermore, the proposal meets a requirement of the NPPF, set out at section 11, of making effective use of land. Paragraph 117 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes. The Council is not currently able to demonstrate a five housing land supply and the proposal would assist in some part to reach this objective.
- 11.10 The principle of the development is acceptable with regard to Policies S3 and H3.

**B Appearance of the proposed houses in the street scene (Policy GEN2)**

- 11.11 As referred to above, strategic policies require development to be compatible with a settlement's character. Policy GEN2 provides more detail as to this consideration stating that development will not be permitted unless its design meets all of a number of criteria.
- 11.12 The first criterion of Policy GEN2 is that the development be compatible with the scale, form, layout, appearance and materials of surrounding buildings. The

buildings immediately surrounding the site are a chalet style dwelling, with a front gable, to the south and a two-storey house, with a shallow front gable, to the north. More generally in the locality of the site there is a variety of appearances to dwellings though two-storey houses greatly predominate. Surrounding residential development generally fills the plot on which it sets far more than currently is the case on the application site though this varies somewhat. Having considered the setting to the site, the existing street scene it is thought that in broad terms the scale, form and appearance of the proposal is acceptable. The layout would be compatible with surroundings in that the three houses would face Station Road and conform to a front building line formed by existing built forms.

- 11.13 The second criterion is that the development should safeguard important environmental features in its setting. In this regard the hedge to the frontage of the site would be retained, though reduced in width to bring its extent back to the boundary of the property (drawing 18009 p02 revision d refers). For the reason of visual amenity, it is considered necessary that a condition be imposed requiring the retention of the hedge.
- 11.14 With regard to the appearance of the proposal within its street scene, the proposal is considered acceptable with regard to Policy GEN2.

**C Merit of the existing house to appearance and character of the site and its setting; any status as a non-designated heritage asset (NPPF, especially paragraph 197)**

- 11.15 A number of written representations from neighbours have commented that the existing house has merit and its demolition would be a loss. The existing house does have something of an arts and crafts style and is a substantial property of visual interest and has, it would appear, at one time have been a fine property. However, it is understood that the property has now been vacant for some two years and this is apparent to its appearance. The site is not in a Conservation Area and there is no entry for Elsenham on the Local Heritage List. Window frames on the front elevation have been replaced with what appears to be uPVC.
- 11.16 On balance it is considered that the scale of any harm from the loss of the existing built form is not sufficient to reasonably justify a reason or part of a reason for refusal of the proposal.

**D Impact to neighbours (Policy GEN2)**

- 11.17 The site has two immediate neighbours; Oak Lodge, to the north, and The Stocks, to the south. First floor windows on the rear elevations of the proposed houses would overlook the recreation ground to the west. There would be some first floor windows on flank elevations but these would be to bathrooms or other en-suite facilities and it could reasonably be required by condition that such windows be obscure glazed. There would be no overlooking of neighbours. Built form would be erected to the south of Oak Lodge closer to the common side boundary than there is built form now. However, the new built form would be some 4m from the rear elevation of Oak Lodge and only minimally deeper into its site than the depth of the rear elevation of Oak Lodge into its site. Due to positioning of proposed built form, isolation distances and orientation there would be no material loss of amenity to any neighbour with regard to loss of daylight, overbearing impact or overshadowing.

11.18 With regard to impact to neighbours, the proposal is acceptable with regard to Policy GEN2.

**E Vehicular access and parking (Policies GEN1 and GEN8)**

11.19 At the time of drafting this report no response had been received from the local highway authority. However, given that the proposed development would use an existing vehicular access the proposal is considered acceptable with regard to Policy GEN1.

11.20 The four bedroomed houses would require 2 parking spaces each to meet the relevant parking standard. This could be provided within the integral garages. Visitor parking could be accommodated on the shared drive, the paved area in front of the houses. The proposal is considered acceptable with regard to Policy GEN8.

**F Amenity of future occupiers (Policy GEN2)**

11.21 All the houses would have private amenity areas which would meet the relevant standard. Open plan kitchen, dining and living areas would be set at the rear of the houses, with access to the rear garden.

11.22 The houses would provide an environment which would meet the reasonable needs of all potential users and as such is acceptable with regard to Policy GEN2.

**G Nature conservation (Policy GEN7)**

11.23 Essex County Council, Place Services, Ecology has been consulted on the application and a written response has been received that there is no objection subject to securing biodiversity mitigation and enhancement measures. These can be secured by conditions.

11.24 The proposal is acceptable with regard to Policy GEN7.

**H Housing mix (Policy H10)**

11.25 Policy H10 states that all developments of three or more dwellings will be required to include a significant proportion of market housing comprising small properties. Explanatory text to this policy indicates that 2 and 3 bedroomed homes comprise small properties.

11.26 However, as stated at paragraph 4.10 of the emerging Local Plan, the 2015 Strategic Housing Market Assessment (SHMA) concluded that the majority of the need for market housing is for 3 and 4+ bedroom houses.

**I Flood risk (Policy GEN3)**

11.27 Policy GEN3 contains the Local Plan policy for flooding, although this has effectively been superseded by the more detailed and up-to-date flood risk policies in the NPPF and the accompanying PPG. The site is not in an area at risk of flooding and, as the proposal is not a 'major development', national policy does not require the use of a sustainable drainage system. It is therefore concluded that the proposal would not give rise to any significant adverse effects with respect to flood risk.

## 12. CONCLUSION

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

- A** The site forms part of the built-up settlement of Elsenham and is within the defined development limit. There can be no objection in principle.
- B** The site is within a varied streetscene and the proposed design fits the general pattern formed by surrounding development.
- C** The existing property is not of sufficient merit to constitute a non-designated heritage asset.
- D** The proposal is acceptable with regard to impact to neighbours.
- E** Vehicular access and parking is adequate.
- F** Amenity for future occupiers would be adequate.
- G** The proposal is acceptable with regard to nature conservation.
- H** Housing mix could not form a reason for refusal.
- I** The proposal is acceptable with regard to flood risk.

## RECOMMENDATION – APPROVAL WITH CONDITIONS

### 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. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies

3. All of the dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON : To ensure compliance with Policy GEN2 (c) of the Uttlesford Local Plan 2005 and the subsequent SPD on Accessible Homes and Playspace

4. Prior to first occupation of any dwelling hereby permitted, an electric car charging facility shall be installed in the garage and retained as such unless the written consent of the local planning authority is given to any alteration.

REASON: In the interest of sustainable development and in accordance with Policy GEN2 of the adopted Local Plan; Policies TA 2 and TA 3 of the Regulation 19 Local Plan; and, the provisions of the National Planning Policy Framework.

5. The existing hedge to the frontage of the site shall be retained at a height of not less than 2m in height.

REASON: In the interest of the retention of the appearance and character of the site and general visual amenity in accordance with Policy GEN2 of the adopted Local Plan and Policy D 1 of the emerging Local Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the garage to any dwelling hereby permitted shall be retained such that it is available for parking and shall not be converted to residential accommodation without the prior written consent of the local planning authority.

REASON: To ensure that adequate parking is retained to the houses hereby permitted in accordance with Policy GEN8 of the adopted Local Plan.

7. Prior to first occupation any window above ground floor level and on a side elevation shall be obscure glazed and retained as such.

REASON: In the interest of the residential amenity of occupiers of neighbouring property, to avoid overlooking, in accordance with Policy GEN2 of the adopted Local Plan.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class B (or any order revoking and re-enacting that Order with or without modification), no addition shall be made to the roof of a dwelling hereby permitted without the prior written consent of the local planning authority.

REASON: In the interests of visual amenity and of the residential amenity of occupiers of neighbouring property, in accordance with Policy GEN2 of the adopted Local Plan.

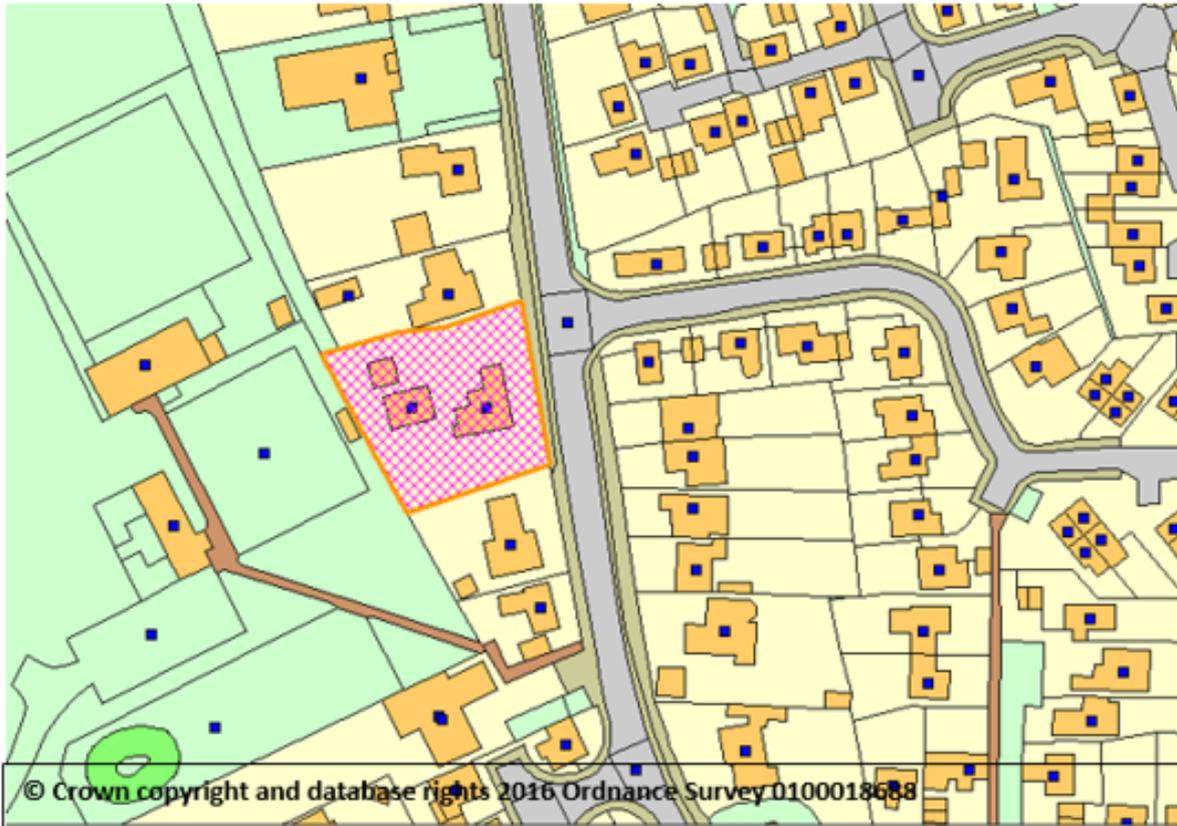
9. Prior to first occupation of any dwelling hereby permitted, all mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Bat Survey Report (Essex Mammal Surveys, May 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination shall have been implemented. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve and enhance Protected and Priority species and allow the local planning authority to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 206 (Priority habitats and species).

10. Prior to any dwelling hereby permitted being erected above slab level, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
  - a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) Detailed designs to achieve stated objectives;

- c) Locations of proposed enhancement measures by appropriate maps and plans;
  - d) Persons responsible for implementing the enhancement measures;
  - e) Details of initial aftercare and long-term maintenance (where relevant).
- The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To enhance Protected and Priority Species/habitats and allow the local planning authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).



Organisation: Uttlesford District Council

Department: Planning

Date: 27 November 2019