

*This item was previously deferred to enable a Councillors' site visit*

**UTT/19/2557/FUL - AYTHORPE RODING**

(Referred to Committee by Cllr Susan Barker. Reason: The application is of far greater scale than the original application for a bungalow with bedrooms at first floor; plot too small for the size of proposal to be in keeping with adjoining houses; garage to the front of the property is not in keeping with the street scene; and, the build line is not sympathetic to the street scene)

**PROPOSAL:** Proposed new dwelling and garage (following outline approval UTT/17/2513/OP).

**LOCATION:** The New Farm House, Keeres Green, Aythorpe Roding

**APPLICANT:** Mr A White

**AGENT:** Mr Seb Walsh

**EXPIRY DATE:** 5<sup>th</sup> December 2019

**CASE OFFICER:** Jonathan Doe

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**1. NOTATION**

1.1 Outside defined settlement limits

**2. DESCRIPTION OF SITE**

2.1 The site is formed by part of the curtilage of a detached house on the northern side of an unclassified road known as Keeres Green. To the west the road is also known as School Lane. The junction with Dunmow Road, part of the B184, is some 300m to the west.

2.2 Leaden Roding is about half a mile to the south.

**3. PROPOSAL**

3.1 Proposed new dwelling and garage (following outline approval UTT/17/2513/OP).

3.2 The application seeks full planning permission for a four-bedroomed detached house with an attached single garage.

**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 design and access statement and a completed biodiversity checklist.

## **6. RELEVANT SITE HISTORY**

- 6.1 UTT/17/2513/OP - Outline application with appearance, landscaping and scale reserved, for 1 no. dwelling and garage – Approved 23.01.2018

## **7. POLICIES**

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

S7 – The Countryside  
GEN1 – Access  
GEN2 – Design  
GEN7 – Nature Conservation  
GEN8 – Vehicle Parking Standards  
H3 – New Houses within Development Limits

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

Uttlesford Local Parking Standards  
ECC Parking Standards DGP09/2009  
Essex Design Guide  
Accessible homes and playspace

### **National Policies**

National Planning Policy Framework

### **Other Material Considerations**

Not applicable.

## **8. PARISH COUNCIL COMMENTS**

- 8.1 The Parish Council objected to the outline application. The Parish Council continues to support the concerns of residents in this detailed application.
1. The planned house is much larger than the outline application. It would dominate the small plot and is out of keeping with the neighbouring properties.
  2. Placing a garage in front of the property will negatively impact the rural street scene.

## **9. CONSULTATIONS**

### **Highways**

- 9.1 Considering the site history and previous approved scheme UTT/17/2513/OP, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to measures addressing implementation of a parking/turning area and no unbound material for first 6m.

## **10. REPRESENTATIONS**

10.1 A site notice was posted. 15 letters were sent to occupiers of neighbouring properties. 5 letters of objection have been received making points summarised below:

- modern design of proposal is not in keeping with the architecture of the hamlet
- spoils the spaced out design and atmosphere which is the most important aspect of the charm of this country hamlet
- built form too close to boundaries of its plot
- vehicular access would create a highway hazard
- a huge change from a bungalow
- zinc framed windows would be visually jarring
- garage sticks out bizarrely
- ugly front aspect is a consequence of trying to fit a double garage and a large house into a very narrow gap
- height would give an overbearing effect
- integral garages are not a feature of the area
- vehicle movements so close to boundary would be intrusive
- loss of sunlight to our property and our greenhouse would be overshadowed
- unsustainable location
- out of context in respect of its modern design
- no regard to the listed buildings which are seen in the immediate vicinity.

## **11. APPRAISAL**

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

- A The principle of development, including the history of the site (Policies S7 and H3)
- B Design and affect to street scene (Policy GEN2)
- C Impact to neighbours (Policy GEN2)
- D Highway access and parking (Policies GEN1 and GEN8)
- E Nature conservation (Policy GEN7)
- F Amenity of future occupiers (Policy GEN2)

### **A The principle of development, including the history of the site**

- 11.1 Outline planning permission, UTT/17/2513/OP, exists for a dwelling on the site. Whilst an indicative street scene drawing shows a chalet style dwelling, the decision notice refers to a dwelling; not to a bungalow. There is no condition requiring a bungalow type dwelling; a condition states that scale and appearance are reserved for later approval.
- 11.2 Policy S7 states that development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. There is no special reason why the development would need to be there. However, it is judged that the proposal would protect the rural character of the site and on balance not represent erosion to the existing character of the broader setting of the locality.

- 11.3 The plot is relatively narrow given its rural setting and the house would be well set back from the road, there would be a distance of some 17m between the front of the garage and the frontage to the site with the main front elevation of the house set back a further 5m. There is a hedge along much of the frontage. A house on this plot would fit the pattern of existing ribbon development being a typical infill plot and not look out of keeping with its setting in overall terms (design is discussed below).
- 11.4 The site is in a hamlet with no apparent services or facilities within easy reach. In relation to a recent (11th April 2019) appeal decision (APP/C1570/W/18/3206066) for a site at land adjacent to Cut Elms Farmhouse the Inspector commented, in paragraph 13, that Keeres Green is a small settlement with no apparent services or facilities within easy reach. Given the rural location of the site located some distance to any services and facilities, it is highly likely that future occupiers of the site would be mostly dependent upon the private car. However, given that outline planning permission has been granted, in February 2018, for a dwelling on the site, it is considered that a reason for refusal based on an unsustainable location could not be adequately substantiated at appeal.
- 11.5 Policy H3 states that windfall sites will be permitted if they meet all of a number of criteria.
- 11.6 The first criterion of Policy H3 is that the site should comprise previously developed land. This is the case; the site is part of a garden to an existing house.
- 11.7 The second criterion is that the site has reasonable accessibility to jobs, shops and services by modes other than the car. Whilst this is a debatable point, it is inescapable that the site was considered to be acceptable with regard to sustainability when outline planning permission was given for a dwelling. The policy context has not changed sufficiently since the date of that decision for any reason for refusal to be raised on the ground of an unsustainable location. Whilst the emerging Local Plan has changed its status somewhat, it is often referred to in Inspectors' decision letters that the emerging Local Plan is capable of being changed and so can only be given very limited weight.
- 11.8 The third criterion is that existing infrastructure has the capacity to absorb further development. Additional demand for infrastructure created by only one dwelling would be minimal. The application form states that foul sewage would be dealt with by a package treatment plant. The proposal is considered acceptable with regard to the third criterion.
- 11.9 With regard to the remainder criteria of Policy H3, the development would support local services and facilities; the site is not a key employment site; and, development would not make inefficient use of land.
- 11.10 The proposal would meet Government advice set out at paragraph 117 of the NPPF that planning decisions should promote an effective use of land in meeting the need for homes and other uses.
- 11.11 A 2.68 year housing land supply currently exists in the District, which represents a significant shortfall. The NPPF is clear that where a five-year supply of deliverable housing sites cannot demonstrated the presumption in favour of sustainable development, as set out under paragraph 11 of the Framework, is engaged. For decision making this means that planning permission should be granted unless

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework's policies taken as a whole.

## **B Design and affect to street scene (Policy GEN2)**

- 11.12 The appearance of the front elevation of the proposed house would have a somewhat contemporary style with flat roofed front dormers to two first floor windows and a flat roof to a porch accommodating the entrance door. External materials would be render to walls and tiles with the appearance of slates to the roof. The window frames would be of aluminium. A single storey rear bay would have a zinc finish where not glazed.
- 11.13 The house would be some 12m wide and the two-storey form would be some 8m deep. The garage would project, by some 5m, from the front elevation of the house. The house would have a two-storey front bay with gable end. The house would have a maximum height of 8.8m to the ridge of the roof, 4.3m to the eaves. The existing house at New Farm House has a maximum height of 9.1m.
- 11.14 Policy GEN2 states that development will not be permitted unless its design meets all of a number of criteria.
- 11.15 The first criterion is that it is compatible with the scale, form, layout, appearance and materials of surrounding buildings. The proposed house would be set between two houses with pitched roofs; the scale and form would be compatible with surrounding buildings. The layout would be compatible with surrounding buildings in that the front elevation of the house would be in line with the front elevation of the house at New Farm House and the front of the garage would be in line with the front elevation of the house at Clarendon House, the house to the left hand side when viewing the street scene. Comment has been made in representations from neighbours regarding materials but the main elements of the proposed house would be rendered walls and a slate tile roof. These materials would be compatible with surrounding buildings.
- 11.16 The appearance of the proposal and its affect to the street scene are considered acceptable with regard to Policy GEN2.

## **C Impact to neighbours (Policy GEN2)**

- 11.17 The proposed house would have two neighbouring properties on adjoining plots; Clarendon House, to the west, and The New Farm House, to the east. The proposed house would be set 4m from the side boundary with Clarendon House. There is a close boarded fence on this boundary. The built form of the house at Clarendon House is separated from the common side boundary with the application site by a double garage. Due to orientation and isolation distances the proposal would have no material adverse impact to the occupiers of Clarendon House. The proposed house would be 4m from the common side boundary with the existing house at The New Farm House. Due to orientation and isolation distances the proposal would have no material adverse impact to the occupiers of The New Farm House.
- 11.18 The effect of the proposal in relation to any impact to neighbours is considered acceptable with regard to Policy GEN2.

## **D Highway access and parking (Policies GEN1 and GEN8)**

- 11.19 The local highway authority, Essex County Council, has been consulted on the application and a response received in writing of no objection, subject to conditions. Accordingly the proposal is considered acceptable with regard to Policy GEN1.
- 11.20 The parking requirement for a house of four or more bedrooms is three parking spaces. This level of provision would be available in the form of an integral single garage and two parking spaces between the proposed house and front boundary planting. Accordingly the proposal is considered acceptable with regard to Policy GEN8.

**E Nature conservation (Policy GEN7)**

- 11.21 The application documentation includes a completed biodiversity validation checklist which indicates that the site is of very limited biodiversity interest. At the site visit the site was seen to consist essentially of mown grass. Accordingly the proposal is considered acceptable with regard to Policy GEN7.

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

- 11.22 The proposed dwelling would have a private amenity area of some 300 sq m with an outlook of agricultural land to the north. The design of the proposed houses is such that they would provide an environment which would meet the reasonable needs of all potential users.

**12. CONCLUSION**

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

- A** This is a brownfield site with outline planning permission for a dwelling and the proposal would infill between two adjoining house plots; the proposal cannot be said to be unacceptable in principle.
- B** The house has insignificant elements of contemporary design but overall its mass, form and positioning are such that it would be acceptable within its street scene.
- C** There would be no material adverse impact to any neighbour.
- D** The local highway authority has raised no objection to the proposal and parking provision is acceptable.
- E** The proposal is acceptable with regard to ecological matters.
- F** The proposal would create a dwelling with a high degree of amenity for future occupiers.

**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. The dwelling 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 the house 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 emerging Local Plan; and, the provisions of the National Planning Policy Framework.

5. Prior to first occupation landscape works, as shown on approved drawing 19 130 02 revision B, shall be carried out in accordance with the approved details. 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.

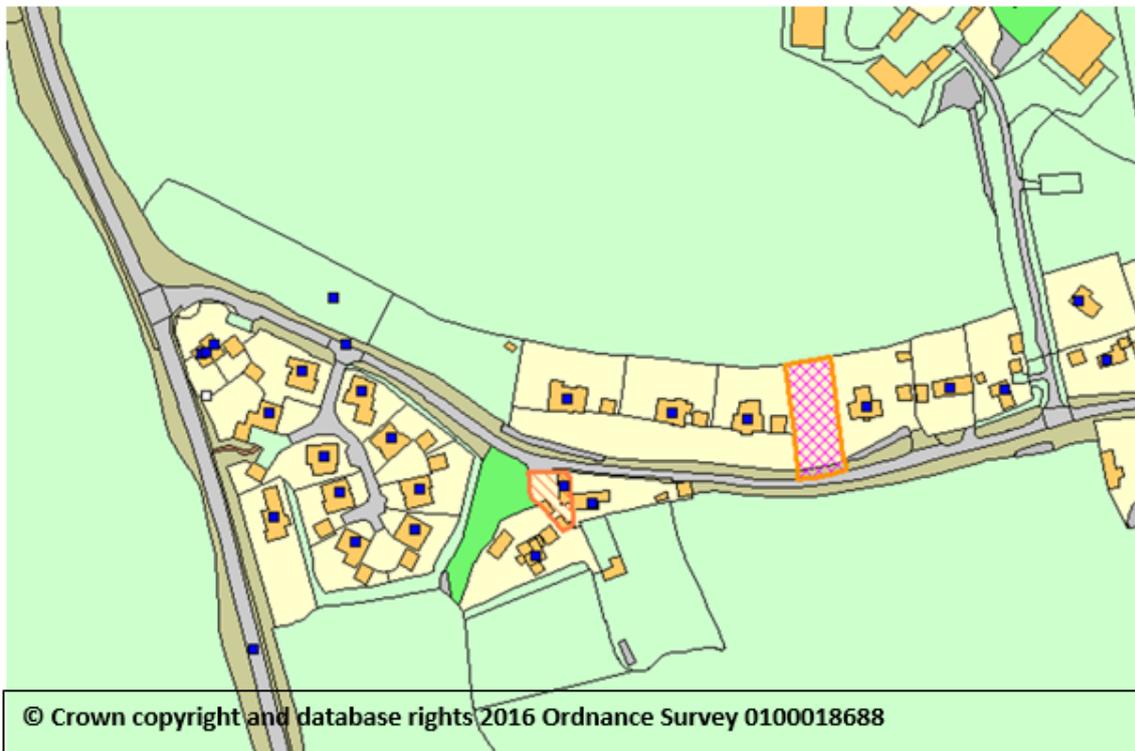
REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with ULP Policies GEN2 and GEN7 of the Uttlesford Local Plan (adopted 2005).

6. Prior to the occupation of the development the access arrangements, vehicle parking and turning area as indicated on DWG no. 19 130 02 Rev. B shall be provided. The access, parking and turning area shall be retained at all times for their intended purpose.

REASON: To ensure that appropriate access, parking and turning is provided.

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.



Organisation: Uttlesford District Council

Department: Planning

Date: 02 December 2019