

UTT/21/1811/HHF

(Call In if recommended for Refusal by Cllr Oliver)

PROPOSAL: **Proposed single-storey Oak Frame rear extension.**

LOCATION: **Watts Folly, Wenden Road, Arkesden CB11 4HB**

APPLICANT: **Mr & Mrs Hawkins**

AGENT: **Mr N Preston / Ian Abrams Architect Limited**

EXPIRY DATE: **23 Jul 2021**

CASE OFFICER: **Mr Avgerinos Vlachos**

1. NOTATION

- 1.1 Outside Development Limits.
Listed Building (Watts Folly – Grade II).
Within Conservation Area (Arkesden CA).
Tree Preservation Order (Birch).
Within Flood Plain Zone 2.
Within Flood Plain Zone 3.
Within Flood Zone 3a + Climate Change.
Within Flood Zone 3b.
Road Classification (Church Hill/Wenden Road – Class III).
Within 250m of Local Wildlife Site (Green Man Meadows).

2. DESCRIPTION OF SITE

- 2.1 The application site comprises a 1.5-storey detached dwelling (Grade II listed since 1980) of C17 origin and L-shaped form, timber framed and plastered under a thatched roof and located outside development limits in Arkesden. Boundary treatments include some post and rail fencing and hedging. The site is part of the Arkesden Conservation Area, located in a corner and prominent location within the village. There are neighbouring dwellings to all sides of the site. The overall area contains several listed buildings of varying architectural styles, materials, ages and sizes. Existing parking arrangements include 3 no. parking spaces to the front driveway, plus a garage.

3. PROPOSAL

- 3.1 The proposal includes:
- Single-storey oak-frame rear extension;
 - Materials (see Application Form, Heritage Statement, Design and Access Statement, and submitted drawings).

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The development does not constitute 'EIA development' for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

5. APPLICANT'S CASE

- 5.1 The application includes the following documents:

- Photographs
- Heritage statement
- Design and access statement
- Ecological survey
- Flood risk assessment
- Biodiversity checklist.

6. RELEVANT SITE HISTORY

- 6.1
- **UTT/21/0671/HHF** and **UTT/21/0672/LB** – Proposed single-storey Oak Frame rear extension.

Refused (19.04.2021):

1. The impact of the proposal on the heritage asset will be harmful to the historic fabric, form and character of the building, and as such the proposal fails to accord with ULP Policy ENV2 and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF 2019 (the level of harm to the listed building is considered to be 'less than substantial' as per paragraph 196).
 2. The proposed development by virtue of its scale and size does not enhance and preserve the character of the Conservation Area and is disproportionately large in relation to the host dwelling. The development therefore does not accord with ULP Policies ENV1 and GEN2 of the Uttlesford Local Plan 2005 or with sections 12 and 16 of the NPPF 2019.
 3. The application does not provide sufficient information or evidence to demonstrate that the proposals would not adversely affect protected species, namely bats, great crested newts and reptiles. Therefore, it is not possible to fully assess the potential impacts of the development under the statutory duties contained in the 2010 Habitats Regulations, under s40 NERC Act 2006 and S17 of the Crime and Disorder Act 1998. Insufficient information has been submitted in regards to protected species and as such is contrary to ULP Policy GEN7 of the Uttlesford Local Plan 2005 sections 174 and 175 of the NPPF 2019 and the statutory duties imposed on local planning authorities.
- **UTT/20/3266/HHF** and **UTT/20/3267/LB** – Proposed single-storey glazed Oak Frame extension and link to the rear.

Refused (15.02.2021):

1. The impact of the proposal on the heritage asset will be harmful to the historic fabric, form and character of the building, and as such the proposal fails to accord with ULP Policy ENV2 and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF 2019 (the level of harm to the listed building is considered to be 'less than substantial' as per paragraph 196).

2. The proposed development by virtue of its scale and size does not enhance and preserve the character of the Conservation Area and is disproportionately large in relation to the host dwelling. The development therefore does not accord with ULP Policies ENV1 and GEN2 of the Uttlesford Local Plan 2005 or with sections 12 and 16 of the NPPF 2019.
- **UTT/0251/02/FUL** and **UTT/0252/02/LB** – Erection of single storey garden room to rear elevation.

Approved with conditions (22.04.2002).

7. POLICIES

National Policies

National Planning Policy Framework (NPPF, 2019)

S70(2) of the Town and Country Planning Act 1990 (as amended)

S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

S38(6) of the Planning and Compulsory Purchase Act 2004

Uttlesford Local Plan (2005)

ULP Policy S7 – The Countryside

ULP Policy H8 – Home Extensions

ULP Policy ENV1 – Design of development within Conservation Areas

ULP Policy ENV2 – Development affecting Listed Buildings

ULP Policy ENV3 – Open spaces and trees

ULP Policy ENV8 – Other landscape elements of importance for nature conservation

ULP Policy GEN1 – Access

ULP Policy GEN2 – Design

ULP Policy GEN3 – Flood Protection

ULP Policy GEN4 – Good Neighbourliness

ULP Policy GEN7 – Nature Conservation

ULP Policy GEN8 – Vehicle Parking Standards

Supplementary Planning Documents/Guidance

Supplementary Planning Document 'Home Extensions'

Other Material Considerations

Essex Design Guide – Rear Privacy

Essex Design Guide – Private Amenity Space

Essex Design Guide – Garden Size

Essex Design Guide – Architectural Details

Essex Design Guide – Balance and Windows

Essex Design Guide – Appropriate Use of Materials

Essex Design Guide – Building Form

Essex Design Guide – Daylight and sunlight

8. PARISH COUNCIL COMMENTS

8.1 The Parish Council provided the following comments:

- No objections.

9. CONSULTATIONS

Place Services – Conservation

9.1 Built heritage advice pertaining to an application for proposed single-storey Oak Frame rear extension.

Watts Folly is listed at Grade II (list entry no: 1170120). It occupies a prominent position within the Arkesden Conservation Area at the corner of Wenden Road. It is a seventeenth-century timber-framed and plastered house on an L shaped plan. The house is of one storey with attics with a thatched roof.

Proposals for a single-storey rear extension were previously refused in February 2021 (UTT/21/0672/LB) and April 2021 (UTT/20/3266/HHF).

The proposals are substantially the same as the scheme refused in February 2021, with the size of the proposed garden room marginally reduced. As such, the concerns from the refused applications have not been addressed, therefore previous advice remains relevant.

Watts Folly is a modestly-sized historic cottage. As indicated in the list description, its L-shaped plan is a key element of its significance which enables the historic development of the cottage as a main range with cross wing to be clearly read and understood. The proposals would dilute the L-shaped plan form of the host dwelling, creating a convoluted ground floor plan form and circulation pattern and causing harm to the significance of the listed building.

It should also be noted that lack of visibility does not equate to lack of harm, nor does it mitigate the impact upon the significance of the listed building. Nevertheless, the western elevation of the listed building, including the extension, is visible from Wenden Road. The intensification of built form in this area would be clearly visible from the public realm.

The proposals would entirely obscure the flank wall of the cross wing. This has already been partly obscured at the southern end with a twentieth-century porch, but the proposals would exacerbate the harm by concealing from view and internalising the remaining stretch of external wall of this historic wing.

The proposals are considered to have a negative impact on the significance of the Conservation Area by causing harm to the architectural integrity and significance of a prominent, positively contributing building, therefore failing to preserve the character of the Conservation Area.

Great weight given to an asset's conservation (NPPF para 193) and clear and convincing justification should be demonstrated for any harm to, or loss of, significance (para 194). There is potential to achieve additional accommodation without causing harm to the plan form of the listed building. As previously stated, there may be scope for a modest extension which is added to the northern end of the existing extension as this would maintain the historic L-shaped plan form and circulation pattern, not diminish it.

The previous concerns from the refused applications have not been addressed as the proposal remains substantially similar, therefore previous advice remains relevant. The proposals would cause harm to the significance of the listed building through damaging its plan form. This harm is considered less than substantial, therefore NPPF para 196 is relevant. This level of harm has also been identified within the submitted Heritage Statement.

The Conservation Officer also added on 06 Jul 2021:

The proposals would cause harm by creating a new, competing circulation pattern which would bypass the historic cross wing. At present, there is a clear principal movement pattern through the building, entering at the front door into the front range of the house and moving north through this into the rear cross wing. The proposals would set up a separate means of access through the modern bathroom into the boot room and new garden room at the rear of the building, effectively circumventing the historic cross wing. This would complicate the circulation pattern around the house and make it harder to understand the currently clear plan form and circulation pattern which has developed from the historic development of the house. The harm to significance is caused by, as they say, 'removing the need to go through the existing rooms to get to the garden room'. The historic core of the house becomes less important if there is a rival circulation system which bypasses it.

Place Services - Ecology

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

Summary:

We have reviewed the documents supplied with the application including the Biodiversity Checklist (Ian Abrams Architect Ltd., December 2020); Ecological Survey and Assessment (Essex Mammal Surveys, April 2021); Magic Maps; and aerial photographs, to help assess the likely impacts of the development on protected species and Priority species & habitats.

We are satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on protected and Priority species and habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

We note that the site lies within an Amber Risk Zone Area for Natural England's Gt Crested Newt District Level Licensing (<https://naturalengland-defra.opendata.arcgis.com/datasets/gcn-risk-zonesessex>). However, since the Ecological Survey and Assessment (Essex Mammal Surveys, April 2021) concluded that there was no risk to Gt. Crested Newt, no further survey is needed to protect this species.

We note that the development site is situated within the Impact Risk Zone for Hatfield Forest Site of Special Scientific Interest (SSSI)/National Nature Reserve (NNR) as shown on MAGIC map (www.magic.gov.uk). Therefore, Natural England's revised interim advice to Uttlesford DC (ref: HatFor Strategic Interim LPA, 5 April 2019) should be followed to ensure that impacts are minimised to

this site from new residential development. As this application is less than 50 or more units, Natural England do not, at this time, consider that is necessary for the LPA to secure a developer contribution towards a package of funded Strategic Access Management Measures (SAMMs) at Hatfield Forest.

We recommend that the following good practice mitigation measures should be followed to avoid potential impacts to protected and Priority species, including hedgehog and toad (Ecological Survey and Assessment (Essex Mammal Surveys, April 2021) during the construction phase.

- Vehicles and site workers must be kept off of 'tall herb' areas or keep to a minimum, any stored materials to be located on hardstanding areas.
- Open excavations should be inspected prior to filling;
- Footings and concrete slabs should be poured during the morning to ensure it has hardened off prior to evening to reduce the risk of animals coming into contact with wet concrete;
- Any hand mixing of mortar or concrete should be on ply boarding over a tarpaulin which is folded over the boarding at the end of each day to prevent animals coming into contact;
- Any excess cement/concrete should be poured into a concrete skip, so it can then set to prevent animals coming into contact. Equipment must be cleaned off in a location to avoid pollution of the watercourse;
- Any construction materials should be stored on bare ground or stored off the ground on pallets;
- Any construction waste stored on site temporarily should be stored on bare/hard ground or in skips to prevent amphibians or reptiles from seeking refuge;

We therefore recommend that a precautionary working method statement for biodiversity during the construction period is secured by a separate condition of any consent.

We also support the proposed reasonable biodiversity enhancements specified in the Ecological Survey and Assessment (Essex Mammal Surveys, April 2021) which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be detailed within a Biodiversity Enhancement Layout and should be secured by a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. Submission for approval and implementation of the details below should be a condition of any planning consent.

10. REPRESENTATIONS

- 10.1 The adjacent neighbouring properties have been consulted on this application. Neighbour consultation expired on 30 Jun 2021.
- 10.2 Summary of representations:

- **In support:**
 - Very little disturbance.
 - The plot is well sheltered.

11. APPRAISAL

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

- A Design and character (S7, H8, GEN2, ENV1, ENV2, ENV3, SPD Home Extensions, Essex Design Guide, and the NPPF);**
- B Amenity (GEN2, H8, GEN4, SPD Home Extensions, and Essex Design Guide);**
- C Access and parking (GEN1, GEN8, parking standards, and the NPPF);**
- D Ecology (GEN7, ENV8, and the NPPF);**
- E Flood risk (GEN3, and the NPPF).**

- A Design and character (S7, H8, GEN2, ENV1, ENV2, ENV3, SPD Home Extensions, Essex Design Guide, and the NPPF);**

- 11.1 The Case Officer visited the site on 12 Jul 2021.
- 11.2 The proposal is located outside development limits, in Arkesden, with Local Plan Policy S7 being relevant.
- 11.3 The planning history of the site revealed UTT/21/0671/HHF and UTT/21/0672/LB for a similar scheme, which was refused on 19 Apr 2021 on the grounds of (1) causing 'less than substantial harm' to the form, character and fabric of the listed building (failing policy ENV2, and the NPPF), (2) harm to the Conservation Area by reason of its scale (failing policies ENV1, GEN2, and the NPPF) and (3) insufficient ecological information (failing policy GEN7, and the NPPF). Prior to this, another similar scheme under UTT/20/3266/HHF and UTT/20/3267/LB was also refused on 15 Feb 2021 for the same reasons (except ecology). For the current scheme to be successful, the previous refusal reasons must be fully and properly addressed.
- 11.4 In terms of heritage impacts, the Conservation Officer reported "*The proposals are substantially the same as the scheme refused in February 2021, with the size of the proposed garden room marginally reduced. As such, the concerns from the refused applications have not been addressed, therefore previous advice remains relevant*". The Conservation Officer highlighted that the L-shaped plan form of the listed building is mentioned in the listing description, and as such "*is a key element of its significance*". She then reiterated the conclusion of previous consultations that "*The proposals would dilute the L-shaped plan form of the host dwelling, creating a convoluted ground floor plan form and circulation pattern*". The proposal would entirely obscure the flank wall of the cross wing, exacerbating the harm from the existing extension "*by concealing from view and internalising the remaining stretch of external wall of this historic wing*". The harm to the architectural integrity and significance of the listed building, which is prominent within the Arkesden Conservation Area, will also harm the character of the Conservation Area. Therefore, the Conservation Officer raised **objections**, as the proposal will fail to preserve the significance and plan form of the listed building and the character of the Arkesden Conservation Area, causing 'less than substantial harm', contrary to s66(1) and s72(1) of the Planning (Listed Buildings

and Conservation Areas) Act 1990, and paragraphs 127, 193, 194, 196 of the NPPF.

- 11.5 The above level of harm to the listed building is also identified in the submitted Heritage Statement (thereafter referred to as HS, see paragraphs 9.16 – 9.17, 10.8, 11.5). It is argued that the public benefits of the scheme should be weighed up in determining the proposal (HS 9.19), including (A) Improved circulation and access within the building and (B) Ensuring the building remains fit for its optimum use as a dwelling.

For argument (A), the Conservation Officer clarified the following on 06 Jul 2021 *“The proposals would cause harm by creating a new, competing circulation pattern which would bypass the historic cross wing. At present, there is a clear principal movement pattern through the building, entering at the front door into the front range of the house and moving north through this into the rear cross wing. The proposals would set up a separate means of access through the modern bathroom into the boot room and new garden room at the rear of the building, effectively circumventing the historic cross wing. This would complicate the circulation pattern around the house and make it harder to understand the currently clear plan form and circulation pattern which has developed from the historic development of the house. The harm to significance is caused by, as they say, ‘removing the need to go through the existing rooms to get to the garden room’. The historic core of the house becomes less important if there is a rival circulation system which bypasses it”*.

With regards to argument (B), retaining the existing listed building exactly as it stands would also continuously ensure the optimum viable use of the asset as a dwelling, and therefore, the proposal is not necessary for the dwelling to be retained as such in the future.

- 11.6 In section 7.2 of the HS, it is accepted the current scheme is similar to the firstly refused application (UTT/20/3266/HHF and UTT/20/3267/LB).
- 11.7 In terms of the visibility from the public realm issue, the Conservation Officer highlighted that *“lack of visibility does not equate to lack of harm, nor does it mitigate the impact upon the significance of the listed building”*. But even if it did, the intensification of built form would be visible from the public realm, as *“the western elevation of the listed building, including the extension, is visible from Wenden Road”*.
- 11.8 It is also argued by the applicant that *“The building has developed in a piecemeal way and arguably the current proposals are simply continuing this process”* (HS 9.10, 10.3, and 11.1). However, the current policy context, and specifically section 16 of the NPPF is not supportive of piecemeal additions to heritage assets.
- 11.9 Overall, the proposal is not acceptable, and thus it fails to accord with ULP Policies GEN2, ENV1, ENV2, s66(1) and s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the NPPF.
- B Amenity (GEN2, H8, GEN4, SPD Home Extensions, and Essex Design Guide);**
- 11.10 In terms of the residential amenity of the occupants, there will be no material loss of private amenity space (garden) and the Essex Design Guide threshold is met.

- 11.11 In terms of noise, dust and other disturbances, there will be no material increase on site that could harm the amenity of neighbouring occupiers.
- 11.12 With regards to the amenity of neighbouring occupiers, due to the scale and design of the proposal in relation to the neighbouring properties, and after applying the remoteness and design tests (see 'Rear Privacy' EDG Section) and the 45-degree tests (see SPD Home Extensions), no material overshadowing, overlooking (actual or perceived) and overbearing effects are considered.
- 11.13 Overall, the proposal will not materially harm residential or visual amenities, and thus it accords with ULP Policies GEN2, H8, GEN4, the SPD Home Extensions, and the Essex Design Guide in this respect.

C Access and parking (GEN1, GEN8, parking standards, and the NPPF);

- 11.14 No new vehicle access or alterations to the existing access are proposed.
- 11.15 Existing parking arrangements include 3 no. parking spaces to the front drive, plus an old garage. The proposal will not harm parking arrangements. Bedroom numbers remain intact and, according to local parking standards, there is no need for additional parking spaces and parking standards are met.
- 11.16 Overall, the proposal is acceptable in terms of access and parking, and thus it accords with ULP Policies GEN8 and GEN1, Essex Parking Standards, Uttlesford Residential Parking Standards, and the NPPF.

D Ecology (GEN7, ENV8, and the NPPF);

- 11.17 The Ecology Officer reported sufficient ecological information submitted and raised no objections subject to securing biodiversity mitigation and enhancement measures via conditions, to avoid harm to protected and priority species and habitats and to amount to a biodiversity net gain. The conditions refer to actions required in accordance with the Ecology Survey recommendations, a Biodiversity Mitigation Method Statement (pre-commencement) and a Biodiversity Enhancement Layout.
- 11.18 As such, the previous refusal reason in UTT/21/0671/HHF (tandem with UTT/21/0672/LB) has been fully and properly addressed.
- 11.19 Overall, the proposal is acceptable in nature conservation and biodiversity terms, and thus it accords with ULP Policies GEN7, ENV8, and the NPPF.

E Flood risk (GEN3, and the NPPF).

- 11.20 Part of the site and property falls within Flood Risk Zones 2 and 3, and as such a Flood Risk Assessment (FRA) was submitted. Given the scale and nature of the scheme, no increase in flood risk is considered.
- 11.21 Overall, the proposal is acceptable in terms of flood protection, and thus it accords with ULP Policy GEN3, and the NPPF.

12. CONCLUSION

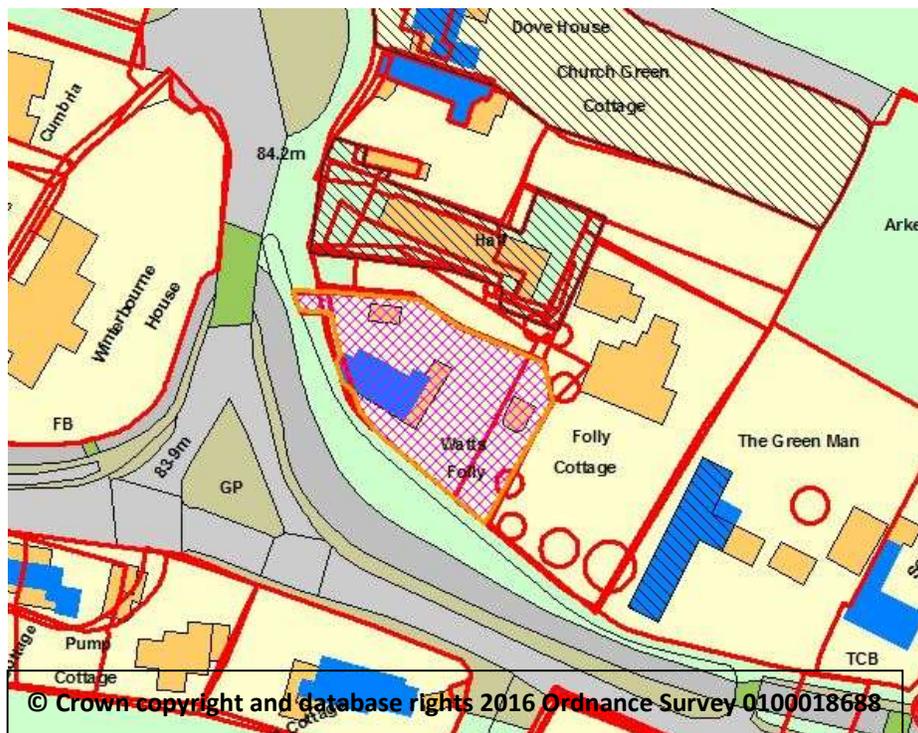
The following is a summary of the main reasons for the recommendation:

- A The proposal will harm the designated heritage assets (listed building and Conservation Area) and there are no public benefits which would outweigh the harm that would be caused.
- B The proposal will not harm residential or visual amenities of neighbouring occupiers.
- C The proposal will not harm parking arrangements and it will meet parking standards.
- D The proposal will not harm protected and priority species and habitats.

RECOMMENDATION: REFUSAL

Refusal reasons:

1. The impact of the proposed development on the heritage asset will be harmful to the historic fabric, form and character of the listed building, to a degree of 'less than substantial harm' as per paragraph 196 of the NPPF. Therefore, the proposal fails to accord with the adopted Uttlesford Local Plan Policy ENV2, s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the National Planning Policy Framework (2019).
2. The proposed development by virtue of its scale and size does not enhance and preserve the character of the Conservation Area and is disproportionately large in relation to the host dwelling. Therefore, the development fails to accord with the adopted Uttlesford Local Plan Policies ENV1 and GEN2 and with sections 12 and 16 of the National Planning Policy Framework (2019).



Organisation:	Uttlesford District Council
Department:	Planning
Date:	06 Jul 2021

