

ITEM NUMBER:

REFERENCE NUMBER: UTT/21/2357/HHF

**LOCATION: Howe Hall, Littlebury Green Road,
Littlebury CB11 4XB**

SITE LOCATION PLAN:



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Organisation: Uttlesford District Council Date: 9th November 2021

PROPOSAL: Conversion and extension to The Dovecote including restoration of oak frame, removal of cement render and addition of ply bracing, wood wool insulation and lime render

APPLICANT: Mr and Mrs Bradfield

AGENT: Mr Gideon Brimmer, Donald Purkiss & Associates

EXPIRY DATE: 15th September 2021 (EOT 30th November 2021)

CASE OFFICER: Mrs Nicola Perry

NOTATION: Outside Development Limits, Listed Building Polygons

REASON AT COMMITTEE: Called-in by Cllr Gregory if recommended for refusal on the material planning grounds of preservation of a listed building.

1. RECOMMENDATION: REFUSAL

1.2 REASON

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 the adopted Uttlesford Local Plan 2005 - Policy ENV2, GEN2, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework 2021, albeit the level of harm to the listed building is considered to be 'less than substantial' as per paragraph 202.

2. DESCRIPTION OF THE SITE

- 2.1** The application relates to the Dovecote, situated to the west of Howe Hall within the residential curtilage, on the southern boundary of the adjacent working farm now in separate ownership. The site is located within Littlebury Green, a hamlet to the west of the main village of Littlebury. The Dovecote is a Grade II listed building, dating from the seventeenth century, it is square on plan and of timber framed and plastered construction on a brick base with clay tiled roof, typical of Essex type (list entry number: 1231698). The north elevation of the Dovecote abuts a full-height brick and flint which forms the boundary of the residential curtilage. Howe Hall is also a Grade II listed building, which dates from the early nineteenth century and is externally finished in red brick with a slate roof (list entry number: 1273819).

2.2 PROPOSAL

- 2.3** Householder planning permission is sought for the proposed conversion and extension to The Dovecote, including restoration of oak frame, removal of cement render and addition of ply bracing, wood wool insulation and

lime render. The Dovecote would be converted to an ancillary annex associated with Howe Hall, as both buildings are in the same ownership.

2.4 A separate application for Listed Building Consent has been sought for the same proposal.

3. ENVIRONMENTAL IMPACT ASSESSMENT

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

4. APPLICANTS CASE

- 4.1**
- Design and Access Statement
 - Bat Survey (Essex Mammal Surveys, May 2021)
 - Great Crested Newt Survey (Essex Mammal Surveys, March 2021)
 - Heritage Statement (Brighter Planning, July 2021)
 - Summary Justification (Brighter Planning, August 2021)
 - Rebuttal Letter (Brighter Planning, September 2021)
 - Supporting Photographs

5. RELEVANT SITE HISTORY

UTT/21/0493/HHF – Proposed conversion and extension to The Dovecote to create annexe. Refused April 2021.

UTT/21/0494/LB – Proposed conversion and extension to The Dovecote to create annexe. Refused April 2021.

6. CONSULTATION RESPONSES

6.1 Littlebury Parish Council

Littlebury Parish Council do not have any objections to the Dovecote at Howe Hall. The PC are pleased that it is bringing use to a historic building without impacting its visual integrity.

6.2 Specialist Archaeological Advice

The Historic Environment advisor has identified the above application on the weekly list as having archaeological implications.

The following recommendation is in line with the National Planning Policy Framework and is the same as that on the previous application.

RECOMMENDATIONS:

1. An Archaeological Programme of Monitoring

1.1. No development or preliminary groundworks can commence until a programme of archaeological monitoring has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

2. Archaeological Programme of Building Recording

2.1. No demolition, conversion or alterations shall commence until a programme of historic building recording has been secured in accordance with a written scheme of investigation (WSI) to be submitted by the applicant and approved in writing by the local planning authority.

2.2. No demolition, conversion or alterations shall take place until the satisfactory completion of the recording in accordance with the WSI submitted.

2.3. The applicant will submit to the local planning authority a report detailing the results of the recording programme and confirm the deposition of the archive to an appropriate depository as identified and agreed in the WSI.

Reason for Archaeological Recommendation

The Historic Environment Record shows that the proposed application is located within an area of known sensitive archaeological deposits and heritage assets. The proposed development is located at Howe Hall and within its associated grounds (EHER 35627). The complex is visible adjacent to Little Hales Wood on the Chapman and Andre map of Essex dated to 1777. The building proposed for conversion is the Grade II listed dovecote thought to date to the seventeenth century. Although the heritage statement has provided some information it is necessary that a fully comprehensive record of the building is undertaken before any conversion or alterations can commence. Prehistoric occupation has also been identified within the vicinity including a number of worked flints and Iron Age pottery (EHER 6605, 6603). There is therefore the potential for prehistoric, medieval and post-medieval archaeological remains being impacted on by the proposed development.

A recognised team of professionals should undertake the archaeological work. The work would comprise a programme of archaeological building recording of the dovecote and archaeological monitoring of all areas of ground disturbance to fully assess the surviving heritage assets on the site and record them. A brief detailing the requirements of this work can be obtained from this office.

6.3

Historic Buildings and Conservation Advice

Built Heritage Advice pertaining to an application for the proposed conversion and extension to The Dovecote including restoration of oak frame, removal of cement render and addition of ply bracing, wood wool insulation and lime render.

The building affected by this application, Dovecote at Howe Hall, is Grade II listed. It is a seventeenth century timber framed and plastered dovecote of typical Essex type, square on plan (list entry number: 1231698). Adjacent to the site is the Grade II listed, Howe Hall, which dates from the early nineteenth century and is of red brick with a slate roof (list entry number: 1273819).

This application is identical to the recently refused applications, UTT/21/0493/HHF & UTT/21/0494/LB.

The Dovecote at Howe Hall is a modest timber framed building, the significance of which is primarily expressed through its evidential and historical value as a utilitarian structure, square on plan. The proposal for conversion to an annex with extensions and alterations will fundamentally result in a baseline level of less than substantial harm to the designated heritage asset. It is not understood whether alternative uses have been explored which assessed whether conversion to residential use is securing the best optimum viable use of the building and its preservation. The local planning authority should take this into consideration, and should the principle of residential conversion be accepted, this is of the understanding that the proposals will start with a level of less than substantial harm through the fundamental change in use and required alterations for residential conversion.

With regards to the proposed residential conversion, the re-use of existing apertures is a positive. However, a key concern towards the acceptability of conversion to residential use is minimising the level of harm to occur from any such scheme. The proposal is for the ancillary residential conversion of the Dovecote, therefore there is not a requirement for a separate kitchen, leading to the building being viewed as a separate dwelling. As mentioned above, the significance of the Dovecote is primarily expressed through its evidential value and square plan form, the addition of an extension would intrinsically be harmful to the significance of the heritage asset. I do not consider the harm arising from an extension to outweigh the benefits from securing the optimum viable use of the building and its preservation. I consider a more sympathetic scheme could be realised which omits the proposed extension, thus preserving the architectural interest and legibility of the designated heritage asset as a Dovecote.

I am unable to support this application. The local planning authority should take into account whether residential conversion is securing the optimum viable use of the building and its preservation. Should the principle be accepted then so is a baseline level of less than substantial harm. I do not consider the proposal for residential conversion and extension to preserve the architectural interest or significance of the heritage asset. I consider there to be a more sympathetic approach which minimises the harm to the designated heritage asset. The proposals would result in less than substantial harm to a designated heritage asset, Paragraph 202 of the NPPF (2021) being relevant.

6.4 Ecological Advice

No objection subject to securing biodiversity mitigation and enhancement measures

Summary

We have reviewed the GCN Survey (Essex Mammal Surveys, March 2021) and Bat Survey (Essex Mammal Surveys, May 2021) relating to the likely impacts of development on protected species and Priority species. 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, with appropriate mitigation measures secured, the development can be made acceptable.

We advise that precautionary mitigation measures should be implemented for this project and have recommended an informative to be appended to any consent. This is necessary to conserve and enhance protected and Priority species particularly amphibians and mobile mammal species.

We also support the proposed reasonable biodiversity enhancements including providing permeable boundaries for Hedgehog, two bird boxes, a Hedgehog nesting box and two solitary beehives, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). The reasonable biodiversity enhancement measures should be outlined 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.

Recommended conditions

1. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT

“A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within GCN Survey (Essex Mammal Surveys, March 2021) and Bat Survey (Essex Mammal Surveys, May 2021), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.”

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

2. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

“A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

Recommended informative:

1. GENERAL GOOD PRACTICE MITIGATION TO AVOID ECOLOGICAL IMPACTS DURING THE CONSTRUCTION PHASE

To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:

- a) Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed;
- b) materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;
- c) rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge.

7. REPRESENTATIONS

7.1 Neighbours were notified of the application by letter. A site notice was also displayed adjacent to the site and an advertisement was placed in the local press. Representations were received from neighbouring residents in support of the proposal, and the following observations have been made:

- Sympathetic and practical way of preserving this historic structure for the future;
- Removes inferior 1960s repair to show case the original form;
- Restoration ensures longevity of the building whilst providing practical space for the 21st-century;
- Building is of historic interest, and is an important part of the village scene;
- Significant commitment to the community which will protect Dovecote for years to come;
- Proposal is sufficiently sensitive to historic form and character, does not change distinctive roof shape;
- Existing building is in a very poor condition and deteriorating;
- Proposed layout also resolves matter of access without entering neighbouring land.

8. POLICIES

8.1 S70(2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to:

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application,
- and
- (c) any other material considerations.

S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

8.2 National Policies

National Planning Policy Framework 2021 (NPPF)

8.3 Uttlesford District Local Plan 2005

S7 – The Countryside
GEN2 – Design
GEN7 – Nature Conservation
H8 – Home Extensions
ENV2 – Development affecting Listed Buildings
ENV4 – Ancient Monuments and Sites of Archaeological Importance

8.4 Supplementary Planning Document/Guidance

SPD Home Extensions

9 CONSIDERATION AND ASSESSMENT

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

- i) Design and impact on the character of the countryside (ULP Policies S7, GEN2, H8, SPD Home Extensions, NPPF);**
- ii) Impact on Neighbouring Amenity (ULP Policies GEN2, H8, SPD Home Extensions);**
- iii) Development affecting a Listed Building and Archaeology (ULP Policy ENV2, ENV4, Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF)**
- iv) Nature Conservation (ULP Policy GEN7)**

i) Design and impact on the character of the countryside (ULP Policies S7, GEN2, H8, SPD Home Extensions, NPPF)

9.2 The application site is located outside defined development limits to the east of Littlebury Green and is therefore deemed to be in the countryside, whereby ULP Policy S7 applies for any development.

9.3 ULP Policy S7 is concerned with the protection of the countryside for its own sake, planning permission will only be given for development if its

appearance protects or enhances the particular character of the part of the countryside within which it is set.

- 9.4** ULP Policy GEN2 states development should be compatible with the scale, form, layout, appearance, and materials of surrounding buildings, whilst ULP Policy H8 requires extensions respect the scale, design, and external materials of the original building. Furthermore, the SPD Home Extensions indicates development should respect the scale, height, proportions, and form of the original dwelling, and the NPPF seeks to ensure good design is applied to all development.
- 9.5** The current applications are a resubmissions of UTT/21/0493/HHF and UTT/21/0494/LB refused on 8th April 2021 on the grounds of;
- (1) The impact of the proposal on the heritage asset being harmful to the historic fabric, form and character of the building, and as such the proposal failed to accord with the adopted Uttlesford Local Plan 2005 - Policy ENV2, Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework 2019, albeit the level of harm to the listed building was considered to be 'less than substantial' as per paragraph 196;
 - (2) The application did not provide sufficient information or evidence to demonstrate that the proposals would not adversely affect protected species, namely bats. Therefore it was 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 was submitted in regards to protected species and as such 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.
- 9.6** The design as submitted in the current application remains unchanged, but the required bat survey is included along with a revised Heritage Statement to further address public benefits, as the applicant/agent felt the previous application was not subject of planning balance to consider public benefits.
- 9.7** The application proposes the conversion of the Dovecote to an ancillary annex associated with Howe Hall. The existing building would be converted to include a snug on the ground floor and bedroom with en-suite on the first floor, with windows created in the north, east, south and west elevations to serve the accommodation. A single-storey lean-to extension finished in matching materials would be added to the east side elevation to create a kitchen breakfast room. The Dovecote would also undergo a series of renovation and repair works as part of the scheme to include the addition of external insulation and replacement render.
- 9.8** The proposed extension is large in scale when considered against the modest proportions of the original Dovecote, the existing footprint is almost doubled in size and the traditional square planform is elongated. A visual connection to the range of outbuildings to the east is enhanced resulting in the loss of the detached character of the Dovecote. As a result, the proposal neglects to respect the characteristics of the original building in terms of scale, form, layout, and proportions.

- 9.9** In view of the orientation of the property and characteristics of the site the proposed extension will not be overly visible from the public realm. However, it will result in a material change to the property which is considered inappropriate and therefore neglects to protect or enhance the character of this part of the countryside.
- 9.10** As such the proposal is unacceptable in design and character terms, and therefore fails to accord with ULP Policies S7, GEN2 and the NPPF.
- ii) Neighbouring Amenity (ULP Policies GEN2, H8, SPD Home Extensions)**
- 9.11** ULP Policies GEN2, H8 and the SPD Home Extensions seek to ensure that development would not have a materially adverse effect on the reasonable occupation and enjoyment of any nearby property as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.
- 9.12** The proposal does not raise any concerns in relation to neighbouring residential amenity given its scale, design, and siting in terms of relationship with nearby properties and the separation distances involved. There would not be any undue harm through loss of privacy, loss of daylight, overbearing impact or overshadowing and no objections have been received.
- 9.13** As such the proposal will not materially harm residential amenities, and therefore accords with ULP Policies GEN2, H8, and the SPD Home Extensions.
- iii) Development affecting a Listed Building and Archaeology (ULP Policies ENV2, ENV4, Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF)**
- 9.14** ULP Policy ENV2 advises that development affecting a listed building should be in keeping with its scale, character and surroundings. Demolition of a listed building, or development proposals that adversely affect the setting and alterations that impair the special characteristics of a listed building will not be permitted. This is further supported by the aims of the NPPF and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Any harm requires clear and convincing justification and should be weighed against the benefits of the proposal. ULP Policy ENV4 is concerned with the preservation of sites of archaeological importance and requires development is not permitted until satisfactory provision is made for a programme of archaeological investigation and recording prior to commencement.
- 9.15** The building affected by this application, the Dovecote, is Grade II listed and situated adjacent to and within the curtilage of Howe Hall, also Grade II listed, it is therefore necessary to seek specialist built heritage advice. In addition, Place Services Specialist Archaeological Officers identified the proposal as having archaeological implications and require conditions are imposed should the application be approved, due to the likely presence of sensitive archaeological deposits and proximity to heritage assets. Place Services Conservation Officers reviewed the submitted information and responded with the following:

- 9.16** *“The building affected by this application, Dovecote at Howe Hall, is Grade II listed. It is a seventeenth century timber framed and plastered dovecote of typical Essex type, square on plan (list entry number: 1231698). Adjacent to the site is the Grade II listed, Howe Hall, which dates from the early nineteenth century and is of red brick with a slate roof (list entry number: 1273819).*
- 9.17** *This application is identical to the recently refused applications, UTT/21/0493/HHF & UTT/21/0494/LB.*
- 9.18** *The Dovecote at Howe Hall is a modest timber framed building, the significance of which is primarily expressed through its evidential and historical value as a utilitarian structure, square on plan. The proposal for conversion to an annex with extensions and alterations will fundamentally result in a baseline level of less than substantial harm to the designated heritage asset. It is not understood whether alternative uses have been explored which assessed whether conversion to residential use is securing the best optimum viable use of the building and its preservation. The local planning authority should take this into consideration, and should the principle of residential conversion be accepted, this is of the understanding that the proposals will start with a level of less than substantial harm through the fundamental change in use and required alterations for residential conversion.*
- 9.19** *With regards to the proposed residential conversion, the re-use of existing apertures is a positive. However, a key concern towards the acceptability of conversion to residential use is minimising the level of harm to occur from any such scheme. The proposal is for the ancillary residential conversion of the Dovecote, therefore there is not a requirement for a separate kitchen, leading to the building being viewed as a separate dwelling. As mentioned above, the significance of the Dovecote is primarily expressed through its evidential value and square plan form, the addition of an extension would intrinsically be harmful to the significance of the heritage asset. I do not consider the harm arising from an extension to outweigh the benefits from securing the optimum viable use of the building and its preservation. I consider a more sympathetic scheme could be realised which omits the proposed extension, thus preserving the architectural interest and legibility of the designated heritage asset as a Dovecote.*
- 9.20** *I am unable to support this application. The local planning authority should take into account whether residential conversion is securing the optimum viable use of the building and its preservation. Should the principle be accepted then so is a baseline level of less than substantial harm. I do not consider the proposal for residential conversion and extension to preserve the architectural interest or significance of the heritage asset. I consider there to be a more sympathetic approach which minimises the harm to the designated heritage asset. The proposals would result in less than substantial harm to a designated heritage asset, Paragraph 202 of the NPPF (2021) being relevant.”*
- 9.21** *The advice provided by the Conservation Officer has been reviewed with reference to the Heritage Statement, Summary Justification, and Rebuttal Letter submitted as part of the application and further discussion with the*

Conservation Officer. In terms of heritage impacts the proposal fails to preserve the significance of the historic planform and fabric of the Dovecote and undermines its character and architectural interest. The public benefits of the proposal have been weighed against the harm, in this instance it is considered that the optimum viable use of the Dovecote could be secured without an extension of the scale and format proposed, to ensure the special characteristics of the listed building are conserved.

9.22 As such the proposal will cause 'less than substantial harm' to the listed building and fails to accord with ULP Policy ENV2, the NPPF and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

iv) Nature Conservation (ULP Policy GEN7 and the NPPF);

9.23 ULP Policy GEN7 seeks to ensure that development would not have a harmful effect on wildlife, geological features or protected species. Furthermore the NPPF requires development protects and enhances biodiversity and geodiversity.

9.24 A completed Biodiversity Validation Checklist submitted as part of the application triggered the requirement to consult Place Services Ecologists, to assess the likely impacts of the proposal on protected and Priority species and habitats. They have reviewed the information provided, including the GCN Survey (Essex Mammal Surveys, March 2021) and Bat Survey (Essex Mammal Surveys, May 2021) and are satisfied sufficient ecological information is available for determination, responding with no objection subject to securing biodiversity mitigation and enhancement measures via condition should the application be approved.

9.25 As such the proposal is acceptable in nature conservation and biodiversity terms, and therefore accords with ULP Policy GEN7 and the NPPF.

10. EQUALITIES

10.1 Equality Act 2010

10.2 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

10.3 The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.4 Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised

11. CONCLUSION

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

- i) The proposal will fail to respect the characteristics of the original building in terms of size, scale, form, layout, design, and proportions.
- ii) The proposal will not harm residential or visual amenities of neighbouring occupiers.
- iii) The proposal will be detrimental to the designated heritage asset for which the public benefit will not outweigh the harm caused.
- iv) The proposal will not harm protected and Priority species and habitats.

11.2 It is therefore recommended that the application be refused.