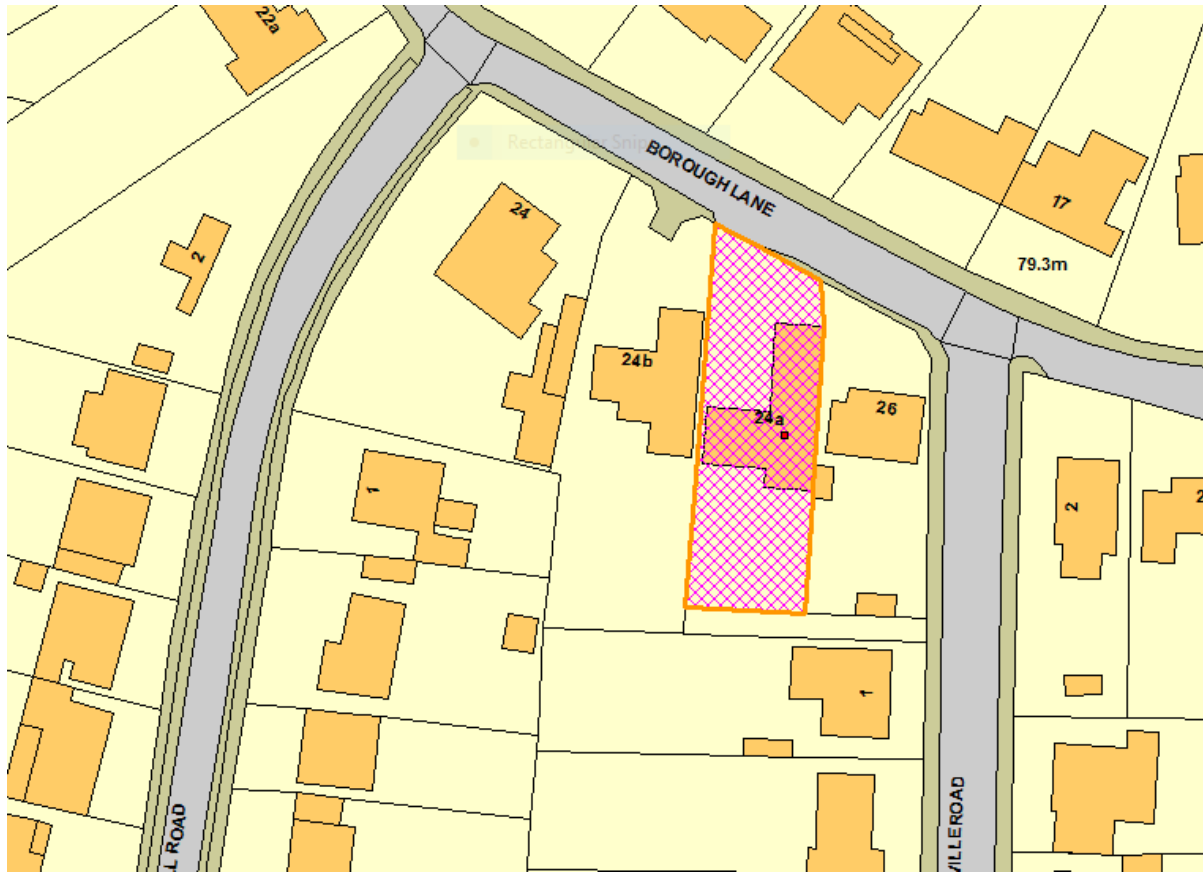




<b>ITEM NUMBER:</b>	<b>11</b>
<b>PLANNING COMMITTEE DATE:</b>	<b>11 January 2023</b>
<b>REFERENCE NUMBER:</b>	<b>UTT/2491/HHF</b>
<b>LOCATION:</b>	<b>24A BOROUGH LANE SAFFRON WALDEN</b>

## SITE LOCATION PLAN:



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Organisation: Uttlesford District Council      Date: 19.12.22

**PROPOSAL:** Proposed front and rear extension, alterations to facing materials, windows and external landscaping, including new entrance gates.

**APPLICANT:** Mrs Bev Chapman

**AGENT:** Mr John Cressey, E + M Design Partnership

**EXPIRY DATE:** 20 December 2022

**EOT Expiry Date:** 16 January 2023

**CASE OFFICER:** Rosemary Clark

**NOTATION:** Within Development Limits

**REASON THIS APPLICATION IS ON THE AGENDA:** Member Call-In

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**1. EXECUTIVE SUMMARY**

- 1.1** This report relates to planning permission for the construction of a first-floor extension over the existing garage element to the front and a two-storey rear extension.
- 1.2** It is also proposed to modernise and update the property by way of new windows/doors and facing materials.
- 1.3** It is proposed to install solar panels and rooflight and new entrance gates.
- 1.4** The application was considered against local and national policies, and it is considered to comply. The case officer recommends that the application be approved.

**2. RECOMMENDATION**

That the Director of Planning be authorised to <b>GRANT</b> permission for the development subject to those items set out in section 17 of this report -
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### **3. SITE LOCATION AND DESCRIPTION:**

**3.1** The application site comprises a two-storey detached dwelling situated on a residential road, Borough Lane, to the south/west of the Town Centre of Saffron Walden. The properties in this location vary in size, style and design.

**3.2** The property at 24A is a typical example of an early 1970's property. It is set back from the road and is L-shaped with a part two storey/part single storey element featuring a double garage to the front.

### **4. PROPOSAL**

**4.1** This application relates to the proposed first floor extension over the existing garage element and a two-storey rear extension.

**4.2** The application also includes proposal for modernisation and updating of the property by way of new windows/doors and facing materials. It is also proposed to install new entrance gates.

### **5. ENVIRONMENTAL IMPACT ASSESSMENT**

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

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

6.1	Reference	Proposal	Decision
	SWB/0029/68	Erection of a dwellinghouse and garage	5.4.68

### **7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

**7.1** None

### **8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

#### **8.1 Highway Authority**

**8.1.1** Request for confirmation that gates be set 6m back from carriageway – revised plans submitted

### **9. TOWN COUNCIL COMMENTS**

**9.1** No comments received

**10. CONSULTEE RESPONSES**

**10.1 Place Services (Ecology)**

**10.1.2.1** No objections – subject to conditions

**11. REPRESENTATIONS**

**11.1** 7 Neighbours consulted and reconsulted on revisions

**11.2 Support - 1**

**11.2.1** No objections – good design

**11.3 Object - 3**

**11.3.1** Loss of privacy, overlooking, loss of daylight

**11.4 Comment**

**11.4.1** The comments from neighbours have been considered and dealt with in paragraph

**12. MATERIAL CONSIDERATIONS**

**12.1** In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

**12.2** Section 70(2) of the Town and Country Planning Act 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.

**12.3 The Development Plan**

**12.3.1** Essex Minerals Local Plan (adopted July 2014)  
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)

Uttlesford District Local Plan (adopted 2005)  
Felsted Neighbourhood Plan (made Feb 2020)  
Great Dunmow Neighbourhood Plan (made December 2016)  
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)  
Thaxted Neighbourhood Plan (made February 2019)  
Stebbing Neighbourhood Plan (made 19 July 2022)  
Saffron Walden Neighbourhood Plan (made 11 October 2022)  
Ashdon Neighbourhood Plan (made December 2022)

### **13. POLICY**

#### **13.1 National Policies**

**13.1.1** National Planning Policy Framework (2021)

#### **13.2 Uttlesford District Plan 2005**

Policy S1 – Development within development limits  
GEN1- Access Policy  
GEN2 – Design Policy  
H8 – Home Extensions  
GEN7 - Nature Conservation Policy  
GEN8 - Vehicle Parking Standards Policy

#### **13.3 Saffron Walden Neighbourhood Plan**

Policy SW3 Design

#### **13.4 Supplementary Planning Document or Guidance**

Uttlesford Local Residential Parking Standards (2013)  
Essex County Council Parking Standards (2009)  
Supplementary Planning Document- Home Extensions  
Essex Design Guide  
Uttlesford Interim Climate Change Policy (2021)

### **14. CONSIDERATIONS AND ASSESSMENT**

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

- 14.2**
- A) Development within development limits**
  - B) Design**
  - C) Residential Amenity**
  - D) Other matters (Access, parking, ecology)**

**14.3** **A) Development within development limits**

**14.3.1** The dwelling is situated within the development limits of Saffron Walden therefore the principle of modest extensions and alterations is acceptable in accordance with ULP Policy.

**14.3.2** The Saffron Walden Neighbourhood Plan has recently been made. It is considered that the proposals comply with the aims of the plan.

**14.4 B) Design**

**14.4.1** Local Plan Policies H8 and GEN2 as well as the Supplementary Planning Document (SPD) - Home Extensions indicate that development should respect the appearance of the existing dwelling with regard to size, design and appearance, in addition the SPD requires that all development should respect the scale, height and proportions of the original house.

**14.4.2** The proposal consists of a first-floor addition over the existing footprint of the garage. Whilst it is acknowledged that this will increase the amount of floorspace available within the dwelling the first-floor addition will not result in an increase in actual footprint of the property.

**14.4.3** The extension will result in additional built form to the front of the property. However, given that the ground floor garage element is already in situ, in this instance it is not considered that the first-floor extension would be significantly harmful to the size, scale and appearance of the original dwelling. The property immediate to the west is of a similar L-shaped design and this proposal would not extend any further forward than the existing single storey structure or the neighbouring property.

**14.4.4** The proposed rear extension features a modest two storey addition that will extend by 3.1m and infill the area between the existing lounge and kitchen and increase the size of the bedrooms on the first floor.

**14.4.5** Solar panels are proposed to the rear facing roof slope(south) and rooflights to the front and west facing rooflights. The windows are to be changed with a more contemporary design and all external walls finished in render. This will result in a change to the character and appearance of the original dwelling, however, in this instance, given the variety of styles and materials used within the immediate vicinity it is not considered that the proposed changes would amount to sufficient harm to warrant refusal. The proposal will clearly show the updating of this property with a more contemporary design and features.

**14.4.6** Revised plans were submitted which introduced into the design two false windows on the eastern flank elevation of the first-floor extension. This breaks up the solid appearance of the extension without raising concerns regarding neighbouring residential amenity.

**14.5 C) Residential Amenity**

**14.5.1** Policies H8 and GEN2 of the Local Plan state that development should not have a materially adverse impact on the reasonable occupation and enjoyment of any nearby property as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

**14.5.2** There have been concerns raised by neighbouring occupiers regarding this scheme.

**14..3** It is acknowledged that there will be changes to the overall appearance of the property and this is dealt with in paragraph 14.1.5.

**14.2.4** The occupiers of the properties on the opposite side of the road have raised concerns regarding loss of privacy/overlooking as a result of the proposed alterations. The property at no 13 Borough Lane is approximately 27m away from the new window and no 15 approximately 24m away. It will result in an increase in fenestration to the front of the property being brought closer to the front elevation of the properties opposite, however, it is not considered that there would result in a significant potential for loss of privacy given the orientation of the buildings and the distance and screening already in place.

**14.2.5** Concerns have also been raised by the neighbouring occupiers/owners of Mandeville House, 26 Borough Lane. The comments have been noted and considered as part of the determination process. The main concern is the impact of the first-floor addition on the reasonable enjoyment of that property at no 26. It is acknowledged that there will result in an increase in built form adjacent to the shared boundary. However, the 45-degree rule has been applied and it is not considered that there would be a significant increase in loss of daylight to any habitable rooms associated with that property. The kitchen is the nearest window to the shared boundary which is set back from the main front elevation. This window would be impacted with the potential for loss of daylight, however in planning terms a kitchen is not considered to be a habitable room. In this instance, given the orientation of the dwelling and the daylight/sunlight trajectory from east to west it is not considered that there would result in significant harm to warrant refusal of the scheme.

**14.6 D) Other matters – Access/Parking/Ecology**

**14.6.1** The access will remain the same and revisions have been submitted to address the concerns of the Highway Authority. The gates will be set 6m back from the carriageway thus allowing room for vehicles to be clear of the main carriageway when entering the site and the gates are closed. The piers and gates will have a height 1.8m and consist of a brick wall with railings above and a sliding solid gate.

**14.6.2** The garage will be retained as a garage and there will result in sufficient parking provision to serve a property of this size.

**14.6.3** Ecology originally raised concerns and a bat survey was submitted. On re-consultation the ecologists have raised no objections to the proposal subject to conditions.

## **15. ADDITIONAL DUTIES**

### **15.1 Public Sector Equalities Duties**

**15.1.1** 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.

**15.1.2** 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.

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

### **15.2 Human Rights**

**15.2.1** There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

## **16. CONCLUSION**

**16.1** The proposed development accords with the development plan and the NPPF, and no material considerations indicate that planning permission should be refused. It is therefore recommended that permission be granted.

## **17. 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** Prior to any works 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 or product descriptions to achieve stated objectives.
- c) locations, orientations, and heights 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 appropriate)

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2019 and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with ULP Policy GEN7.

## APPENDICES

### Highways comments

From: Eirini Spyratou - Strategic Development Officer <[Eirini.Spyratou@essex.gov.uk](mailto:Eirini.Spyratou@essex.gov.uk)>  
Sent: 22 November 2022 18:25  
To: Rosemary Clark <[rclark@uttlesford.gov.uk](mailto:rclark@uttlesford.gov.uk)>  
Cc: Eirini Spyratou - Strategic Development Officer <[Eirini.Spyratou@essex.gov.uk](mailto:Eirini.Spyratou@essex.gov.uk)>  
Subject: [External] RE: UTT/22/2491/HHF - 24 Borough Lane, Saffron Walden, Essex CB11 4AG

Dear Rosemary,

Rectangular Snip

Having looked at the above application, the introduction of gates to the site is a new feature so we would condition this to be at a 6 metres setback to avoid any vehicle entering or exiting the access to overhang the footway and/or carriageway. We would therefore need to ask the applicant to make the necessary amendments to accommodate this.

Kind regards

Eirini Spyratou | Strategic Development Officer



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