

UTT/17/2725/FUL – (FELSTED)

(Minor – Councillor application)

PROPOSAL: Proposed demolition of bungalow, outbuildings and workshop buildings and erection of 1 no. 5 bedroomed house and garage building

LOCATION: Belmont, Hollow Road, Felsted

APPLICANT: Mr A Mills

AGENT: Mr J Mustard

EXPIRY DATE: 30 November 2017 – EOT 16 March 2018

CASE OFFICER: Karen Denmark

1. NOTATION

1.1 Outside Development Limits/Adjacent Listed Building.

2. DESCRIPTION OF SITE

2.1 The application site is located on Hollow Road in Felsted which is located to the east of the main core of Felsted village. The site currently contains a bungalow and a substantial outbuilding. The site has a frontage of approximately 84 metres and a depth of 48 metres, tapering to 24 metres. There is boundary screening of varying quality and density.

3. PROPOSAL

3.1 The proposal relates to the demolition of the buildings on the site and the erection of a new dwelling.

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.

And

Human Rights Act considerations:

There may be implications under Article 1 and Article 8 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.

5. APPLICANT'S CASE

5.1 The application is accompanied by a Design and Access Statement and a Bat Survey.

5.2 Conclusion of Design and Access Statement:

Belmont is a residential dwelling situated in a substantial plot in a quiet rural location with several outbuildings, where it does not currently function well as a modern dwelling and is in need of full renovations.

With the current site owners looking to enhance the site setting by creating a more sustainable dwelling, the opportunity of replacing the building is being taken.

The design proposals reflect a traditional built-form of a simple building within the countryside, where a 21st century design approach creates a building sympathetic to its setting in a contemporary composition. The scale of the new dwelling is more in harmony with the neighbouring properties and is similar to the newer approach provided at Brynteg, further along Hollow Road, but aiming to blend more into the environment/countryside.

The demolition and replacement of Belmont in the design proposals enhance the value of the site where the character of the countryside is protected. Sustainable measures in the design and construction ensure that the building will be future-proofed where it can function as a successful dwelling for many years without further alteration or adaption.

6. RELEVANT SITE HISTORY

6.1 There is no relevant planning history associated with this site.

7. POLICIES

Uttlesford Local Plan (2005)

Policy S7 – The Countryside
Policy H7 – Replacement Dwellings
Policy ENV2 – Development affecting Listed Buildings
Policy GEN2 – Design
Policy GEN8 – Vehicle Parking Standards

Supplementary Planning Documents/Guidance

SPD: Replacement Dwellings (2006)
SPD: Accessible Homes and Playspace (2005)
Parking Standards: Design and Good Practice (2009)
Uttlesford Local Residential Parking Standards (2011)

National Policies

National Planning Policy Framework (NPPF)
Planning Policy Guidance

8. PARISH COUNCIL COMMENTS

8.1 Original Plans: No objection to the construction of a replacement dwelling, and approves of the proposed finish and design, with the exception of the proposed flat roof, which is inappropriate. All neighbouring properties have pitched roofs including the adjacent Grade II listed Pyes Farm Cottage. A 1 ½ storey construction with a pitched roof would be more appropriate.

8.2 Revised Plans: No comments received at time of writing report. Consultation date expired 23 February 2018.

9. CONSULTATIONS

Aerodrome Safeguarding

9.1 No objection. The proposed development has been examined for aerodrome safeguarding, this proposal does not conflict with any safeguarding criteria. Accordingly, Stansted Airport has no safeguarding objections to the proposal.

ECC Ecology

9.2 No objections. The bat survey dated September 2017 included with the application does not raise any concerns over the protected species investigated (bats). Further surveys for bats are not required. Given the small-scale and limited scope of the development, there are no further ecological considerations.

ECC Highways

9.3 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

10. REPRESENTATIONS

10.1 Original Plans: This application has been advertised and 5 letters of representation have been received raising the following points:

- Ultra-modern plans not in keeping with immediate neighbours
- Contrary to Policy H7
- Reliance on modern replacement dwelling at Brynteg
- Pool and terrace area will be on elevated area and overlook my property
- Inaccuracies in Design and Access Statement
- Drawings misleading as vegetation not as dense as shown
- No objection to a traditional replacement dwelling
- No objection except to flat roof area which is unacceptable
- We are a thatch and bungalow area not something from Italy

10.2 Revised Plans: Three letters of representation have been received raising the following additional points:

- Whilst some of initial objections have been addressed there has been little change to design of property
- Reiterate concerns regarding modern property

11. APPRAISAL

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

- A Principle of proposal (ULP Policies S7, H7; NPPF)
- B Design and amenity (ULP Policies H7, GEN2; NPPF)
- C Impact on setting of listed building (ULP Policy ENV2; NPPF)
- D Parking (ULP Policy GEN8)

E Biodiversity (ULP Policy GEN7; NPPF)

A Principle of proposal (ULP Policies S7, H7; NPPF)

- 11.1 The application site is located outside the development limits in an area designated as countryside. Policy S7 seeks to protect the character of the rural area and development will be restricted to that which needs to take place there or is appropriate to the character of the rural area. This policy is only partially compliant with the NPPF in that it takes a protective view rather than a positive approach to development.
- 11.2 Policy S7 doesn't seek to restrict development in the open countryside, rather it seeks to protect the character of the rural area. Replacement dwellings are considered to be appropriate types of development in rural areas. Policy H7 states that replacement dwelling will be permitted if it is in scale and character with neighbouring properties. Outside development limits, a replacement dwelling will not be permitted unless, through its location, appearance and associated scheme of landscape enhancement it would protect or enhance the particular character of the countryside in which it is set.
- 11.3 The application site is part of a small cluster of dwellings which includes a listed thatched cottage, and substantial detached properties of varying design and character. There is a mix of materials including brick, render and timber features.
- 11.4 The bungalow and its associated outbuilding is not of any particular architectural merit and its replacement would be acceptable in principle and, subject to issues of design discussed in section B below, would be in accordance with Policies S7 and H7.

B Design and amenity (ULP Policies H7, GEN2; NPPF)

- 11.5 Policy H7 requires replacement dwellings to be in scale and character with neighbouring properties. Policy GEN2 requires development to be compatible with the scale, form, layout, appearance and materials of surrounding buildings. SPD: Replacement dwellings states in paragraph 17:
- "If the property you want to replace forms part of a group of houses which stand together in the countryside the new house should be in scale and character with neighbouring properties in terms of height and volume. You should show which properties you have judged to be neighbouring and how you consider the proposal to be in scale with them. However, if the surrounding properties are much larger than the original dwelling this could result in a new building which will have a greater impact on the character of the countryside. In this case the Council will make a judgement on the size of new building that would be acceptable."*
- 11.6 The site currently contains a bungalow and a substantial outbuilding, although it should be noted that the SPD states that the Council will not include the floorspace of any existing garage when judging whether the size of the new dwelling is acceptable because it is likely the garage will be replaced, as is the case in these proposals.
- 11.7 Therefore, looking at the existing bungalow, this has a frontage of approximately 12m and a depth of approximately 12m at its widest points. The highest ridge height is approximately 5.8m with lower sections being approximately 4.8m. For information, the existing outbuilding is approximately 14m in length, 4.5m wide and

4.75m high. The applicant's Design and Access Statement makes various assertions with regards to permitted development rights and potential volumes, but on seeking clarification it would appear that the permitted development rights have been misinterpreted. Furthermore, the commentary in the Design and Access Statement fails to take into account the comments of paragraph 19 of the SPD: Replacement Dwellings.

- 11.8 Notwithstanding that, the SPD and Policies H7 and GEN2 do permit development which is in scale with surrounding buildings. The adjacent listed building has a traditional span of around 5m and a length of approximately 15m. However, the more modern properties of Greyfriars and White Hall House are substantially larger. Greyfriars is approximately 20m by 12m at its widest points, and White Hall House is approximately 18m by 15m. Following revisions to the scheme, the proposed replacement dwelling is approximately 24.5m by 17m at its widest points. Whilst this is larger than neighbouring properties, it is not substantially larger and would be in scale with them.
- 11.9 The fundamental objection from neighbours and the Parish Council is the modern design of the property and the fact that it has flat roofs. There is no policy requirement for new development to be a pastiche of older style development. Likewise, design policies are not required to be prescriptive and thus preventing innovative design. Indeed, the NPPF in the Ministerial Foreword acknowledges that *"our standards of design can be so much higher."* It goes on to emphasise the requirement for good design. Paragraph 60 of the NPPF states:
- "Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."*
- 11.10 The original proposals appeared to be a confusion of thoughts set out on a drawing with a mix of pitched and flat roofs and was substantially bulkier in appearance. Following negotiations, the revised scheme appears more streamline, with clean, crisp lines and reduces the visual impact of the proposals. Whilst the proposed dwelling would have a substantial footprint, the scale of the building is governed by the inner courtyard which is fundamental to the design of the proposed property. However, the scale of the building is limited through the use of flat roofs with the dwelling only being approximately 6.2m high at its highest point, reducing to 4.4m at its lower points.
- 11.11 The use of traditional roof pitches on this scale of building would result in a dwelling which would have substantially increased bulk and visual dominance within the street scene. The dwelling is proposed to be constructed using timber cladding which would not be out of character with the rural location of the property.
- 11.12 The representations make reference to the modern dwelling constructed at a property known as Brynteg. This is a white render and glazed property set in a relatively unenclosed plot which is very different in character to the application site. That property replaced a bungalow which was similar in scale to this case. In comparison, Brynteg is approximately 28m by 14m at its widest points. The two storey element is 6.1m and the lower section is 3.6m. Therefore, it is considered that the current proposal is comparable with Brynteg in terms of scale and the scale is in keeping with nearby properties. Overall, in terms of scale it is considered that the proposal is acceptable and in accordance with Policies H7 and GEN2.

- 11.13 The design of the property is considered to be appropriate to the rural location. Whilst it is different to the traditional forms of dwellings nearby it is not out of character with the rural area. The use of timber cladding is an appropriate form of construction in a rural area. Therefore, it is considered that the design is in accordance with Policies H7 and GEN2.
- 11.14 In terms of residential amenity, the proposed dwelling would be located approximately 22m from the side elevation of the neighbouring property to the southwest. Whilst full glazing is proposed at ground floor level of the southwest elevation, it is not considered that this would give rise to loss of residential amenity to the neighbouring property due to overlooking. The separation distance ensures there would be no overbearing or overshadowing impacts. The proposals therefore comply with Policy GEN2.
- 11.15 Policy GEN2 and the SPD: Accessible Homes and Playspace require compliance with the Lifetime Homes standards. However, these standards have effectively been superseded by the optional requirements at Part M of the Building Regulations, as explained in the PPG. Compliance with these requirements can be secured by way of a condition.

C Impact on setting of listed building (ULP Policy ENV2; NPPF)

- 11.16 Pyes Farm Cottage is a Grade II Listed building and lies approximately 62m to the northeast of the proposed dwelling. Whilst there is boundary screening there are opportunities for glimpses of the proposed dwelling from the curtilage of the listed building. It is therefore necessary to consider the impacts on the setting of the listed building, as set out in s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, ULP Policy ENV2 and paragraphs 132-134 of the NPPF.
- 11.17 As discussed above, the scale of the proposed dwelling is in keeping with the character of surrounding dwellings in this rural location. It sits within a substantial plot and there would be approximately 62m between the closest elevations of the two properties. There would be approximately 37m between the northeast elevation of the proposed dwelling and the boundary with the listed building. There is approximately 25m between the listed building's southwest elevation and its boundary.
- 11.18 Whilst the footprint of the dwelling is substantial, its bulk is significantly reduced by the use of flat roofs. This limits any potential impact from the proposals both on the setting and character of the rural area and on the setting of the listed building. Given the separation distances and the boundary landscaping it is the officer's view that the impacts on the setting of the listed building would be less than substantial harm. The public benefits arising from the scheme would be the replacement of a dwelling with one which is more sustainable in its construction. Therefore, it is considered that the proposals comply with Policy ENV2 and the NPPF.

D Parking (ULP Policy GEN8)

- 11.19 The Council's adopted parking standards set out the requirement for residential properties. Parking bays are required to be 5.5m by 2.9m and garages are required to be 7m by 3m for a single garage, measured internally to be classified as parking bays. The proposed dwelling sits in substantial grounds where there is

more than sufficient parking. A double garage is proposed which measures 6.8m by 6m and whilst it is technically 0.2m too short internally to be classified as a parking space, there is more than sufficient parking available to meet the requirements.

E Biodiversity (ULP Policy GEN7; NPPF)

- 11.20 Policy GEN7 and paragraph 118 of the NPPF require development proposals to aim to conserve and enhance biodiversity. Appropriate mitigation measures must be implemented to secure the long-term protection of protected species.
- 11.21 The application is accompanied by a biodiversity questionnaire and a bat survey. These have been considered by the County Ecologist who raises no objections to the proposals. They therefore comply with Policy GEN7 and the NPPF.

12. CONCLUSION

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

- A** The principle of a replacement dwelling is acceptable in this location.
- B** The scale and design of the property are considered acceptable in this location. The use of timber cladding and flat roofs is considered to be appropriate. There would be no loss of residential amenity to neighbouring properties.
- C** There would be a less than significant impact on the setting of the adjacent listed building. The public benefits would be the construction of a more sustainable dwelling in this location.
- D** The parking provision meets the adopted standards.
- E** There would not be any adverse impacts on biodiversity.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

1. The development hereby permitted shall be begun before the expiration of three 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 dwelling hereby permitted must be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

REASON: To ensure a high standard of accessibility, in accordance with Policy GEN2 of the Uttlesford Local Plan (adopted 2005), the SPD: Accessible Homes and Playspace and the Planning Practice Guidance.

3. 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, in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

4. The existing access at the north-east of the site, as shown on the site layout plan drawing no. 001, shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge within one month of occupation of the development.

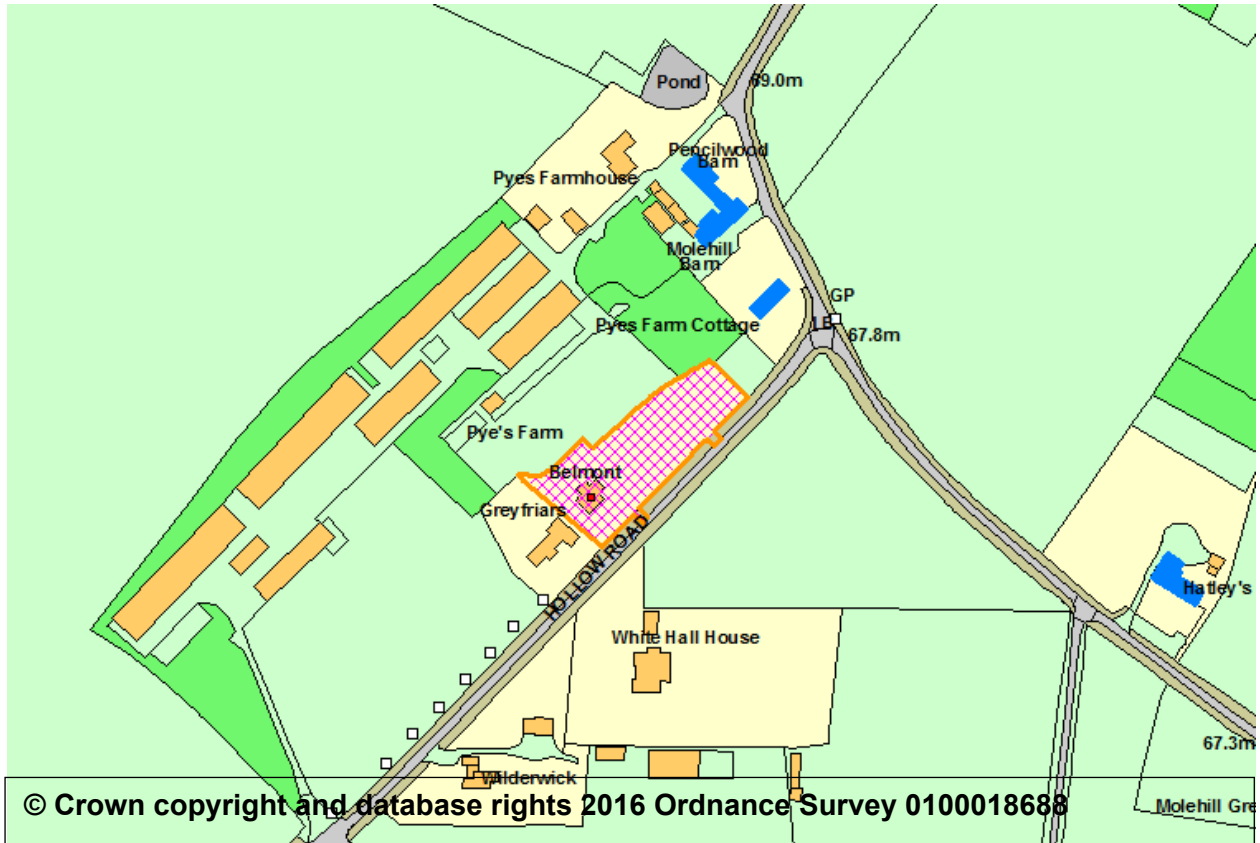
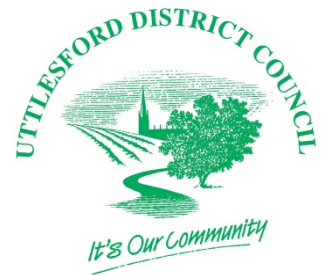
REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety, in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

5. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety, in accordance with Uttlesford Local Plan Policy GEN1 (adopted 2005).

Application: UTT/17/2725/FUL

Address: Belmont, Hollow Road, Felsted



Organisation: Uttlesford District Council
Department: Planning
Date: 2 March 2018