



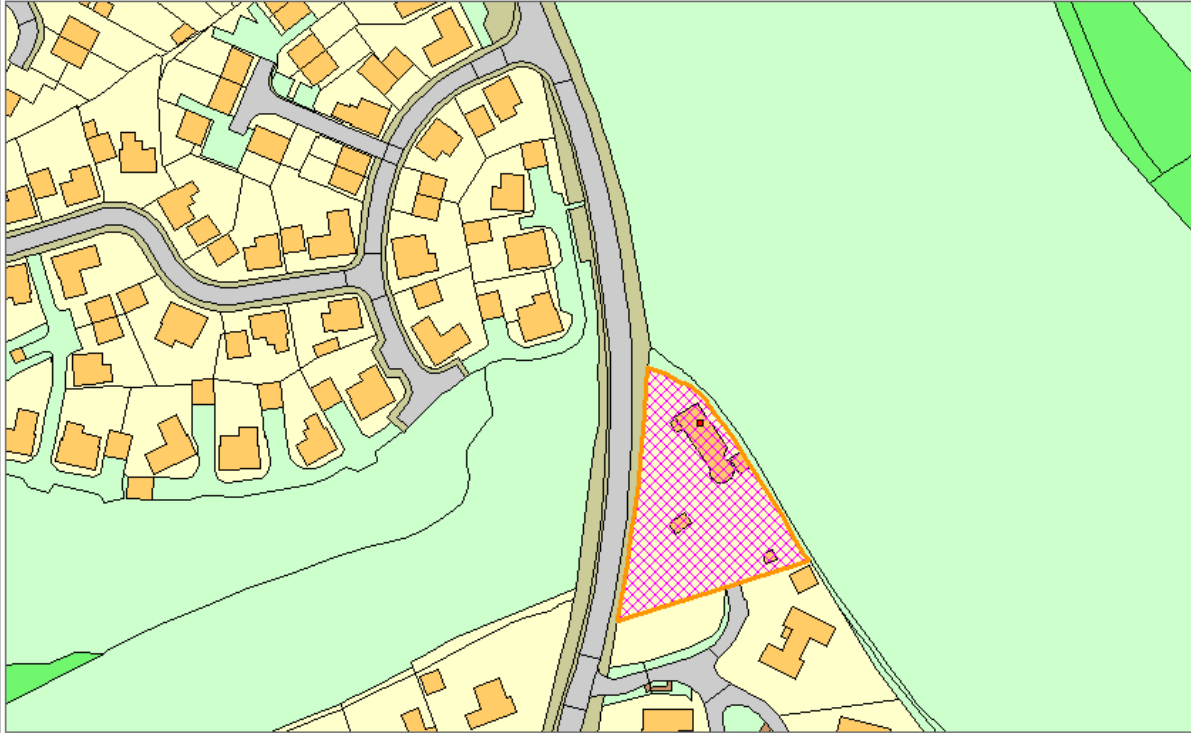
**ITEM NUMBER:** 14

**PLANNING COMMITTEE** 6 March 2024  
**DATE:**

**REFERENCE NUMBER:** UTT/23/3189/HHF

**LOCATION:** Tower House, St Edmunds Lane, Great Dunmow  
Essex

**LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 19 February 2024

**PROPOSAL:** Proposed detached oak framed cartlodge

**APPLICANT:** Mr & Mrs Davey

**AGENT:** Mr Kevin Turner

**EXPIRY DATE:** 15 February 2024

**EOT EXPIRY DATE:** N/A

**CASE OFFICER:** Jonathan Pavey-Smith

**NOTATION:** Outside Development Limits  
Grade II Listed Building  
TPO Tree Type: Field Maple  
TPO Tree Type: Oak  
TPO Tree Type: Weeping Willow  
TPO Tree Type: Plum  
TPO Tree Type: Sycamore  
TPO Tree Type: Pear

**REASON THIS APPLICATION IS ON THE AGENDA:** Councillor's application

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**1. EXECUTIVE SUMMARY**

**1.1** Planning permission is sought for a three-bay cart lodge. The cart lodge will be positioned towards the rear of the existing site. The cart lodge is in the grounds of a Grade II listed building Tower House.

**1.2** Place services have objected on grounds of '*the scale and footprint of the proposed three bay cart lodge will make it unduly visually prominent in the setting of the listed building, competing with the designated heritage asset in views towards and including Tower House*'

- 1.3 Planning officers have taken the previous consent for a two-bay cart lodge into account (under UTT/20/3101/HHF). This cart lodge was smaller in footprint (two-bay) and lower in height by 0.3m.
- 1.4 Due to the location of the cart lodge, there is no demonstrable impact to neighbouring residential amenity, any impact on the surrounding TPO's, ecology or impact on parking.

2. **RECOMMENDATION**

That the Strategic Director of Planning be authorised to REFUSE permission

A) REFUSAL REASON – see section 17

3. **SITE LOCATION AND DESCRIPTION:**

- 3.1 The site is located at Tower House, St. Edmunds Lane, Great Dunmow, Essex. It contains a Grade II Listed Tower Windmill and Mill House built in 1822 with a domed cap and red brick two-storey house (List Entry: 1087891)
- 3.2 The property has an existing vehicular access onto St. Edmunds Lane forming a driveway arrangement and an access, serving the frontage to the site, to the existing dwelling associated with the location.
- 3.3 The site is adjacent to a new housing development on St. Edmunds Lane. The site is within the rural countryside neighbouring fields and agricultural land.

4. **PROPOSAL**

- 4.1 The proposal is seeking to introduce a three-bay open structure cartlodge on a concrete floor, with oak posts and brackets under a pitched pantile roof. The car port will be positioned towards the rear of the existing site. The carport is proposed to be 4.7m in height. The car port will be 6m in length and 9m in width.

5. **ENVIRONMENTAL IMPACT ASSESSMENT**

- 5.1 The proposed 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**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
UTT/20/3101/HHF	Proposed garage and car port.	Approved
UTT/18/3161/FUL	Proposed erection of new detached one and a half storey dwelling with detached garaging and associated landscaping works.	Refuse
UTT/17/3603/HHF	Reinstatement of vehicular access	Approved
UTT/0199/85/LB -	Proposed rear porch extension	Approved
UTT/0198/85 -	Proposed rear porch extension	Approved

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

**7.1** No Pre-App advice given.

**8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

No Objections.

**9. PARISH COUNCIL**

**9.1** No Comments Received.

**10. CONSULTEE RESPONSES**

**10.1 Built Heritage Advice: Objection**

**10.2** Built Heritage Advice pertaining is as follows: Tower House is a Grade II listed red brick former windmill with domed cap and associated two storey house constructed in 1822. The two buildings were linked in the twentieth century and now form a single dwelling (List entry number 1087891). The significance of the listed building derives primarily from its age, rarity and architectural interest as an early nineteenth century windmill with mill house.

**10.2.1** I would have no concerns about the introduction of a traditional two bay timber framed and weatherboarded cart lodge in the proposed location which would be duly ancillary and subservient to the listed building, in line with the previously approved scheme (application reference UTT/20/3101/HHF). The scale and footprint of the proposed three bay cart lodge will, however, make it unduly visually prominent in the setting of the listed building, competing with the designated heritage asset in views towards and including Tower House which contribute to its significance as a focal point.

**10.2.2** In my opinion, the current proposal will fail to preserve the special interest of the listed building, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 through inappropriate development in its setting. With regards to the National Planning Policy Framework (NPPF, December 2023) there would be a low level of less than substantial harm to significance, making paragraph 208 relevant. I would suggest the proposal is revised to reflect the scale and footprint of the previously approved scheme.

## **11. REPRESENTATIONS**

**11.1** 3 notifications letters were sent to nearby properties.

**11.2** No Comments have been received from any neighbouring properties.

## **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 February 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 July 2022)
- Saffron Walden Neighbourhood Plan (made October 2022)
- Ashdon Neighbourhood Plan (made December 2022)
- Great & Little Chesterford Neighbourhood Plan (made February 2023)

### **13. POLICY**

#### **13.1 National Policies**

- 13.1.1** National Planning Policy Framework (2023)

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

- 13.2.1** Policy S7 – Development Outside development limits
- Policy GEN2 – Design Policy
- Policy H8 – Extensions
- Policy GEN8 – Parking Provision
- Policy GEN7 – Nature Conservation
- Policy ENV2- Listed Building

#### **13.3 Great Dunmow Neighbourhood Plan (made December 2016)**

-Policy: LSC1: Landscape, Setting and Character

- Uttlesford Local Residential Parking Standards (2013)
- Essex County Council Parking Standards (2009)
- Supplementary Planning Document- Accessible homes and play space
- Homes 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) Principle of development**
- B) Impact on the Listed Building**
- C) Neighbouring amenity**
- D) Parking**
- E) Impact on Tree Preservation Orders.**
- F) Ecology**

### **14.3 A) Principle of development**

**14.3.1** The Local Plan identifies the site to be outside of the Dunmow settlement development limits and so Local Plan Policy S7 applies. The principle of development on the site will be established if the development's design and scale conform and respects the immediate character and setting.

### **14.4 B) Impact on the Listed Building**

**14.4.1** Built Heritage Advice pertaining is as follows:

**14.4.2** *Tower House is a Grade II listed red brick former windmill with domed cap and associated two storey house constructed in 1822. The two buildings were linked in the twentieth century and now form a single dwelling (List entry number 1087891). The significance of the listed building derives primarily from its age, rarity and architectural interest as an early nineteenth century windmill with mill house.*

**14.4.3** *I would have no concerns about the introduction of a traditional two bay timber framed and weatherboarded cartlodge in the proposed location which would be duly ancillary and subservient to the listed building, in line with the previously approved scheme (application reference UTT/20/3101/HHF). The scale and footprint of the proposed three bay cartlodge will, however, make it unduly visually prominent in the setting of the listed building, competing with the designated heritage asset in views towards and including Tower House which contribute to its significance as a focal point.*

**14.4.4** *In my opinion, the current proposal will fail to preserve the special interest of the listed building, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 through inappropriate*



*development in its setting. With regards to the National Planning Policy Framework (NPPF, December 2023) there would be a low level of less than substantial harm to significance, making paragraph 208 relevant. I would suggest the proposal is revised to reflect the scale and footprint of the previously approved scheme.*

**14.4.5** Planning officers have taken the previous consent for a two bay cartlodge into account, nonetheless this application is larger in height and footprint and would therefore compete with the listed building for visual prominence detracting from its setting.

**14.4.6** Overall, the proposal fails to be in accordance with ULP Policy ENV2 and would lead to harm to the listed building without any public benefit.

## **14.5 C) Neighbouring Amenity**

**14.5.1** Local Plan Policies GEN2 And H8 state that development should not have 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** Due to nature of the proposal, the cart lodge would not result in harm to the adjacent neighbour based on the separation of distance of 1m from the wall of the side boundary wall of the adjacent property (No1 Tower View Drive). It is considered that the proposed would not result in any material detrimental overlooking, overshadowing, overbearing or reduce the amount of sunlight into the neighbouring dwelling, therefore would not adversely impact on neighbour's amenity.

**14.5.3** Therefore, the proposal accords with Uttlesford Local Plan Policy GEN2, H8, GEN4 and the SPD Home Extensions, and the Essex Design Guide.

## **14.6 D) Parking**

**14.6.1** Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location, as set out in supplementary planning guidance which provides standards and further details.

**14.6.2** The access will remain unaltered and therefore will be not impacted by the implementation of the cart lodge to the rear of the host dwelling. The sizes of the parking spaces afforded to the dwelling as a result of the three-bay car port will not comply with the adopted Uttlesford Parking

Standards. However, when considered in the context of the number of existing parking available onsite, it is considered the site has sufficient parking to the front of the dwelling to accommodate the host dwelling.

**14.6.3** Overall, the proposal is acceptable in terms of access and parking, and accords with ULP Policies GEN8, GEN1, parking standards, and the NPPF.

**14.7.1 E) Impact on Tree Preservation Orders.**

**14.7.2** The site is characterised by its rural and countryside aesthetic and greenery in the form of trees surrounding the curtilage of the site. The development will not result in the removal or impact of the TPO trees within the site, nor the existing soft landscaping and hedging.

**14.7.3** Overall, the proposal is acceptable in nature conservation and biodiversity terms, and accords with ULP Policies GEN7, ENV8, and the NPPF

**14.8 F) Ecology**

**14.8.1** 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.

**14.8.2** A completed biodiversity questionnaire has been submitted as part of the application which has not identified any potential issues or triggered the requirement for specialist surveys. No additional concerns have been highlighted during assessment of the application to suggest the proposed extension would have a harmful impact on priority or protected species, habitats, or biodiversity. As such it is considered that the proposal accords with the criteria of the above policies.

**14.8.3** Overall, the proposal is acceptable in nature conservation and biodiversity terms, and accords with ULP Policies GEN7, ENV8, and the NPPF.

**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.

## **16.1 CONCLUSION**

**16.2** Place Services state that the proposal would fail to preserve the special interest of the listed building, contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, through change in its setting. With regards to the NPPF, the harm would be less than substantial and towards the middle of the spectrum under Paragraph 208.

**16.3** There are no public benefits associated with the cartlodge. It is concluded that the 'less than significant' harm to the listed building does outweigh the public benefit which arises from the proposed development. The application is therefore recommended for refusal on heritage grounds.

## **17.1 Reason for Refusal**

1. The proposed cartlodge with associated landscaping shall adversely impact the setting of the heritage assets. The scale and footprint of the proposed three bay cartlodge will be unduly visually prominent in the setting of the listed building. The proposals would fail to preserve the

special interest of the listed building, contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, through change in its setting. The proposal is therefore contrary to Policy ENV2 of the Uttlesford Local Plan 2005.