

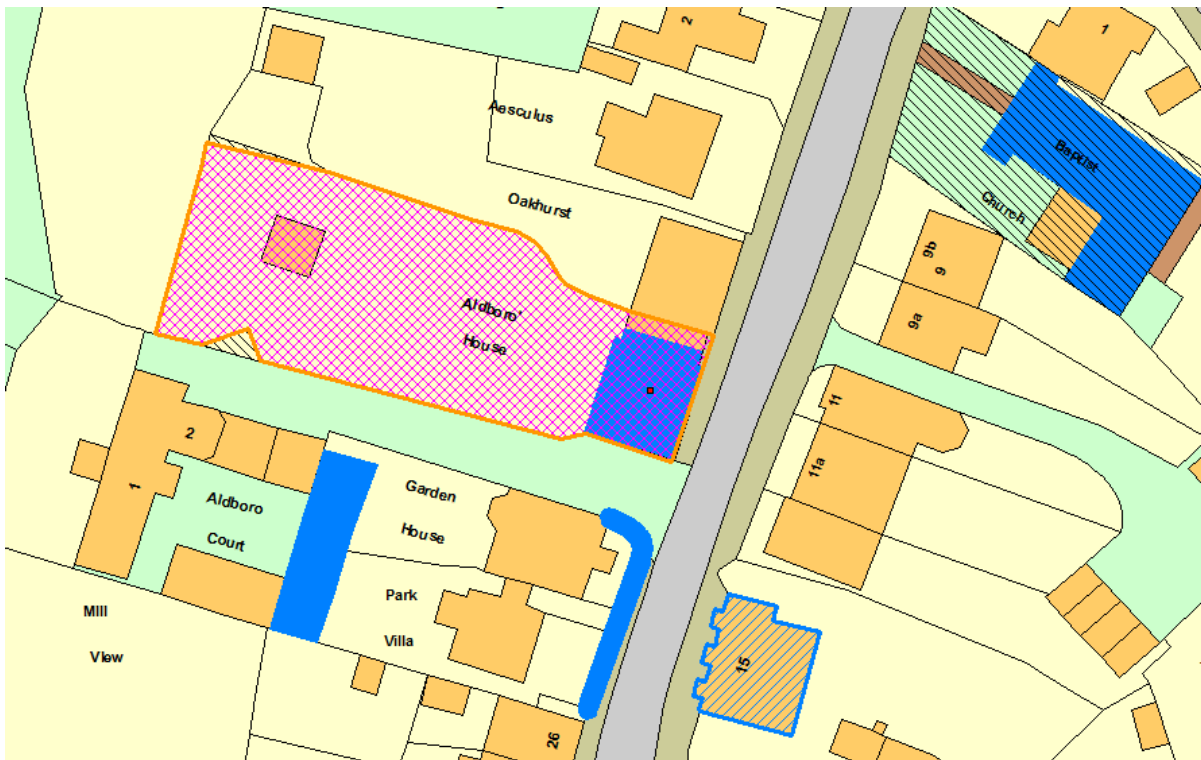
**ITEM NUMBER:** 11

**PLANNING COMMITTEE DATE:** 3 April 2024

**REFERENCE NUMBER:** UTT/23/2867/HHF

**LOCATION:** Aldboro House, Park Street, Thaxted

**LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 19 February 2024

**PROPOSAL:** Extend existing garage by one bay and convert two bays to an Annex. Add a pair of gates on the site boundary.

**APPLICANT:** Mr and Mrs Charles Beer

**AGENT:** Mrs Rachel Moses

**EXPIRY  
DATE:** 10 January 2024

**EOT EXPIRY  
DATE:** N/A

**CASE  
OFFICER:** Jonathan Pavey-Smith

**NOTATION:** Inside Development Limits  
Grade II Listed Building  
TPO Tree Oak  
Thaxted Conservation Area

**REASON  
THIS  
APPLICATION  
IS ON THE  
AGENDA:** Called in by Councillor Foley on the grounds of Parking.

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**1. EXECUTIVE SUMMARY**

- 1.1** Aldboro House is a Grade II listed brick, timber framed and plastered house of two storeys with front and rear attics and a cellar. The house is located in the Thaxted Conservation Area.
- 1.2** The gate has been removed through the course of the application. The surrounding hedgerow will be retained as part of the scheme. There will be three parking spaces within the site.
- 1.3** The annex will be used by a family member and conditioned to be kept within the same planning unit as the existing dwelling.
- 1.4** Ecology have issued a holding objection regarding the need for a bat survey.

**2. RECOMMENDATION**

That the Strategic Director of Planning be authorised to GRANT permission for the development subject to those items set out in section 16 of this report -

A) Conditions  
B) Subject to removal of ecology holding objection

**3. SITE LOCATION AND DESCRIPTION:**

- 3.1** Aldboro House is a Grade II listed brick, timber framed and plastered house of two storeys with front and rear attics and a cellar, that has been dated to the mid-eighteenth century, with an end wall chimney stack and nineteenth century vertical sliding sash windows (List entry number 1322233).
- 3.2** A single storey extension to the northern (right hand facing) side of the house which abuts the neighbouring property was added after the date of listing in 1983.
- 3.3** The house is located in the Thaxted Conservation Area.

**4. PROPOSAL**

4.1 Alterations to existing side extension to form an open plan kitchen/breakfast room with two rooflights, a vaulted ceiling and replacement windows. Extend existing garage by one bay and convert two bays to an Annexe.

4.2 The Annexe extension will be by 3m in with by 5m in length. The Annexe will be for a family member.

## 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 Non-Relevant

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

7.1 Pre-App advice given for Internal alterations, replacement fenestration on the front and rear of the side extension, two new dormers for the attic bedroom (under ref UTT/23/0799/PA).

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

8.1 No Comments.

## 9. **PARISH COUNCIL**

9.1 Thaxted Parish Council: Resolved to object on the ground that parking would be restrictive to access and dangerous to swept path analysis to show how a vehicle would turn to exit, being that it would be dangerous to reverse out onto a main road.

## 10. **CONSULTEE RESPONSES**

### 10.1 **ECC Place Services (Conservation)**

10.1.1 Built Heritage Advice regarding alterations to existing side extension to form an open plan kitchen/breakfast room with two rooflights, a vaulted ceiling and replacement windows. Extend existing garage by one bay and convert two bays to an Annexe. Add a pair of gates on the site boundary.

**10.1.2** With regards to the proposed single bay extension to the garage, although this will enlarge the footprint of the outbuilding, it will retain its ancillary character in relation to the host listed building and on this basis I am able to support the proposal. I am also able to support the proposed addition of a pair of electrically operated traditional timber gates to the entrance to the rear drive/garage area.

**10.1.3** Aldeborough House is a Grade II listed brick, timber framed and plastered house of two storeys with front and rear attics and a cellar, that has been dated to the mid-eighteenth century, with an end wall chimney stack and nineteenth century vertical sliding sash windows (List entry number 1322233). A single storey extension to the northern (right hand facing) side of the house which abuts the neighbouring property was added after the date of listing in 1983 (and has been dated to 1988). The house is located in the Thaxted Conservation Area.

**10.1.4** I was previously consulted on the related listed building consent application UTT/23/2868/LB and my responses to that application relating to the proposed external and internal alterations to the main house were provided in letters dated 5th December and 15th February 2024.

## **10.2 ECC Place Services (Ecology)**

**10.2.1** Ecology: Holding objection due to insufficient ecological information on European Protected Species (bats).

**10.2.2** We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that details of survey results, mitigation & enhancement measures are required to make this proposal acceptable. We recommend that a Preliminary Roost Assessment is conducted, this inspection for bats can be undertaken at any time of the year and should be conducted by a suitably qualified ecologist following standard methodologies.

## **11. REPRESENTATIONS**

**11.1** 9 notifications letters were sent to nearby properties.

**11.2** There have been objections raised from four properties.

**11.2.1** The concerns raised have been summarised below:

**11.2.2** Parking: If planning permission is granted for the garage to be converted to an annexe, one of the two remains car parking spaces will be lost. In addition, any parking associated with the "annexe" will add an additional, but unprovided for, requirement for parking, particularly if it were to be a Granny Annexe (carers etc) or Airbnb (renters vehicles).

**11.2.3** The deeds are clear that the drive which is used to access the garage of Aldboro House, and used by 5 other properties must have no parking or obstruction on it, thus any additional parking must be on Park Street where parking is often very congested. Unfortunately work on Aldboro House has already caused aggravation associated with tradespeople's vehicles parked on the drive, and on Park Street, restricting access from the drive onto the road, in addition skips parked on the drive have caused obstruction. It is impossible to understand how any work on the garage could be carried out without causing similar problems.

**11.2.4** Hedges:  
The application to UTT/23/2867/HHF states that hedges will not be cut down. At present there are tall hedges to the south (where the planned extension would be built) and east which would completely obstruct any windows which are planned to be inserted in the garage. At present these hedges obstruct all of the garage except its roof, thus acting as an effective screen to the garage in important views from Aldboro House

**11.2.5** Gates:  
The plans include electrically operated gates to the south extent of the shared access area to the garages of Aldboro House and Oakhurst. These obstruct our access to the rear of our garden, our folly and the garage and is included in the green hatched area (shown in our deeds) of shared access that prevents any parking or obstruction to allow free access to the garage associated with Oakhurst

## **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 S3 – Development Inside development limits  
Policy GEN1 - Access  
Policy GEN2 – Design Policy  
Policy H8 – Extensions  
Policy GEN7 – Nature Conservation  
Policy GEN8 – Parking Provision  
Policy ENV2- Listed Building

### **13.3 Thaxted Neighbourhood Plan 2017-2033**



13.3.1 Policy TX HC1 – Heritage and Development:

**13.4 Supplementary Planning Documents:**

13.4.1 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 the Development**
  - B) Whether the proposal would adversely impact the character and setting of the Listed Building**
  - C) Neighbouring Amenity**
  - D) Impact on Parking and access**
  - E) Removal of the Hedgerow**
  - F) Impact on Ecology**

14.3 **A) Principle of the Development**

14.3.1 The property is situated within the development limits of Thaxted, where Policy S3 states development compatible with the settlements character and countryside setting will be permitted.

14.3.2 The proposed changes to the side boundary and the existing garage are not considered to have a detrimental impact towards the host dwelling or detract from the character of the locality due to their small-scale design, and scale. The materials will be secured via a condition in order to protect the adjacent Listed Building and the Conservation area.

14.3.3 The principle, design and character of the proposals thereby comply with both notational and local planning policies and guidance.

14.4 **B) Whether the proposal would adversely impact the character and setting of the Listed Building**

14.4.1 According to ULP Policy ENV2, development affecting a listed building should be in keeping with its scale, fabric, 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.

**14.4.2** Following the revised plans on the 15 Jan 2024, Rev Number 2303/PD/01 B which includes the omission of the partition within the utility room the proposal can be supported. This is subject to the conditions relating to the rooflights details and sample of external materials.

**14.4.3** Place services has been re-consulted and supports the application following the omission of the partition within the utility room.

#### **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** The physical changes to the garage would not result in harm to the adjacent neighbours Oakhurst or No2 Aldboro House based on the separation of distance. 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) Impact on Parking and Access**

**14.6.1** Uttlesford Local Plan Policy GEN8 advises that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location, while the Uttlesford Local residential Parking Standards 2013 provides further guidance and good practice.

**14.6.2** It has been confirmed by the applicant that the gate has been removed from the scheme. Aldboro House currently has two parking spaces to the north of the garage and two spaces within the existing garage. This will be decreased to one space, leaving three off road car parking spaces. This is deemed to be sufficient level of parking for one dwelling. It should be noted that the annex is proposed to be used for a family member, the

proposed annex will be within the same planning unit as the existing dwelling. This has been conditioned as part of the approval.

**14.6.3** Therefore, the proposal accords with Uttlesford Local Plan Policy GEN8 and the Uttlesford Local residential Parking Standards 2013.

#### **14.7. E) Removal of the Hedgerow**

**14.7.1** The applicant has stated that no hedgerows will be removed as part of the scheme. It is also noted that the annex is sufficient from any of the surrounding TPO Trees to the rear of the garden to have any impact.

#### **14.8 F) Impact on Ecology**

**14.8.1** ULP Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species, measures to mitigate and/or compensate for the potential impacts of development must be secured.

**14.8.2** Ecology have issued a holding objection regarding the need for a bat survey. Ecology note that the building contains features that are associated with a bat roost being present. These features include the loft void and roof tiles. At the time of writing the report, the applicant has stated they will commission a Preliminary Roost Assessment. It is considered that given the annex is of modern construction, subject to the lifting of the holding objection the proposed development would not give rise to risk to bats. Therefore, the proposed development complies with policy GEN7.

### **15.1 ADDITIONAL DUTIES**

#### **15.1.1 Public Sector Equalities Duties**

**15.1.2** 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.

**15.1.3** 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.

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

**15.1.5** Human Rights

**15.1.6** 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** The proposal accords with Uttlesford Local Plan Policies S3, GEN2, ENV1, ENV2, Section 66(1), Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy TX HD1 of the Thaxted Neighbourhood Plan and National Planning Policy Framework (2023).

## **17.1 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 their first use on site, samples of the materials to be used on the external finishes (including those for the garage extension, doors, windows, rooflights, gates, paint specification and colour) to be used on the external finishes shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

REASON: In the interests of the character and setting of the Listed building in accordance with the adopted Uttlesford Local Plan 2005 - Policy ENV2

4. The annexe hereby permitted must remain in ancillary use in connection with the use of 'Aldboro House', as a single-family dwellinghouse as such.

REASON: The use of this annexe separate to the main dwelling house would require planning permission as it is likely to affect the residential amenities of neighbours, in accordance with Policy GEN2 and GEN4 of the adopted Uttlesford Local Plan 2005.