

UTT/17/3605/FUL – (GREAT DUNMOW)

(Planning application by Cllr John Davey)

PROPOSAL: **Proposed detached 1½ storey dwelling**

LOCATION: **Land Adj Tower House, St Edmunds Lane, Great Dunmow**

APPLICANT: **Mr John Davey**

AGENT: **Ian Abrams**

EXPIRY DATE: **12 February 2018**

CASE OFFICER: **Clive Theobald**

1. NOTATION

- 1.1 Outside Development Limits / affecting setting of Grade II Listed Building / TPO (1/82/48).

2. DESCRIPTION OF SITE

- 2.1 The site lies on the east side of St Edmunds Lane approximately half way along its length and comprises a residential property containing a listed two storey house with adjacent former windmill physically linked to it which together stand in generous and attractive grounds containing a number of mature perimeter trees, some of which are subject to a Tree Preservation Order. The interior of the site is laid to grass. A mature hedge line runs along the road frontage of the property for its entire length.
- 2.2 A new exclusive housing development comprising seven detached dwellings with garages centred around a small green (Tower View) stands to the immediate south of Tower House which is served by a recently completed private gated access drive leading off St Edmunds Lane (Tower View Drive) which also currently serves Tower House whereby an unmade entrance track leads off the rear end of Tower View Drive up to the house.

3. PROPOSAL

- 3.1 This full application relates to the erection of a detached dwelling with associated detached garage/store/annexe to be sited on ground in front of Tower House.
- 3.2 Revised drawings have been submitted of the dwelling since receipt of the application reflecting initial comments expressed by the Council's Conservation officer on the originally submitted drawings which show a 1½ storey 3 bedroomed dwelling of traditional design having an L shaped footprint and gabled ends with roof dormers to the front, rear and to one side which would be externally clad in plain clay tiles, painted render and facing brickwork. The dwelling would have a height to the eaves of 3.0m and height to the ridge of 6.6m. The ancillary garage/store/ annexe would have a cart lodge design and would be externally clad in plain clay tiles and weatherboarding and would be sited at an angle to the dwelling.
- 3.3 Vehicular access to the new dwelling would be via Tower View Drive.

4. ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The proposal does not fall to be considered for formal assessment against the EIA regulations given the nature and scope of the development.

5. APPLICANT'S CASE

- 5.1 The application is accompanied by a Design & Access Statement which describes the background to the application with reference to a preliminary enquiry submitted to the Council in June 2017, the nature and extent of the proposal and the highway, heritage and environmental impacts of the proposal. The report concludes by saying that the proposal would meet all three strands of sustainability when assessed against the NPPF and would not cause any material harm to the designated heritage asset (Tower House).

6. RELEVANT SITE HISTORY

- 6.1 A preliminary enquiry was made to the Council in June 2017 relating to the proposed erection of a new dwelling with new garage to be erected within the frontage grounds of Tower House whereby the new dwelling would be served by the recently completed private gated access drive that now serves both Tower House and the new housing development on its south side (Tower View Drive).
- 6.2 The Council responded to the proposal stating in its conclusions within its preliminary enquiry response that “the principle of the proposed development could be regarded as an appropriate infill development. However, this and whether the proposal forms a sustainable form of development would need to be justified and demonstrated within the full planning submission. Other issues such as design and appearance, neighbouring amenities, highway safety and ecology would also need to be discussed”.

7. POLICIES

Uttlesford Local Plan (2005)

ULP Policy GEN1 – Access
ULP Policy GEN2 – Design
ULP Policy GEN7 – Nature Conservation
ULP Policy GEN8 – Vehicle Parking Standards
ULP Policy ENV2 – Development affecting Listed Buildings
ULP Policy ENV3 – Open Spaces and Trees

Supplementary Planning Documents/Guidance

Essex Design Guide
SPD “Accessible Homes and Playspace”
ECC Highways Parking Standards
UDC Parking Standards

National Policies

NPPF

Other Material Considerations

Great Dunmow Neighbourhood Plan:

- DS1: TDA: Town development Area
- LSC1: Landscape, Setting and Character
- LSC-A: The Historic Environment

8. PARISH COUNCIL COMMENTS

8.1 Support.

9. CONSULTATIONS

ECC Highways

9.1 The impact of the proposal is acceptable to the Highway Authority from a highway and transportation perspective subject to highway conditions.

ECC Ecology

9.2 No objections subject to condition/s to secure ecological mitigation and enhancements.

The proposals are limited in scale/scope and according to the Extended Phase 1 Habitat Survey T4 Ecology Ltd (Dec 2017) are unlikely to impact designated sites, protected/priority species or priority habitats.

The OPDM Circular 06/05 is clear that further surveys are only required if there is a *reasonable likelihood* of biodiversity being impacted. Given the low ecological value of the site, further surveys are not required.

UDC Conservation Officer

9.3 Tower House listed as Tower Windmill and Mill House is predominantly a masonry structure of C19 origins listed grade II. Tower House originally has been located in a very generous site, a big part of which has been developed. The proposal subject of this application is the formation of another detached 1½ storey dwelling on land adjacent to it.

In terms of design, the proposed house would respond well to the local vernacular, and in principle could successfully complete the new arcadian development. However, the setting of Tower House would clearly be affected in some measure.

In order to lessen its impact on the Windmill, the new house should more closely relate to the new housing rather than being set apart. It should be facing the other units and be located closer to the access road. Such arrangement would result in it being further away from the Tower House and with its side elevation facing the main road its impact on the setting of the listed building would be further diminished. Clearly due to the existence of TPOs it is possible that the size of the dwelling would have to be reduced. I suggest further negotiations leading to the employment of above ideas.

Revised comments on revised drawings:

9.4 I feel that the revised scheme does not overcome my previous concerns. No attempt

has been made to substantially reduce the accommodation within the new dwelling, its location still poorly relates to the modern development already undertaken while clearly would visually impinge on the setting of the Tower House seriously undermining its present sense of isolation. On balance, I feel that due to the proximity of the designated heritage asset and the belt of TPO trees it is unlikely that an additional dwelling of these proportions could be accommodated here.

UDC Landscape Officer

- 9.5 The proposed dwelling presents its rear elevation to St. Edmunds Lane. This arrangement is not considered to be visually desirable when viewed from the public highway. Additionally, its siting near to the St. Edmunds Lane frontage would result in the loss of the open character of this part of the site and detrimentally impact on the setting of Tower House. An important view of the windmill tower would be obscured by the proposed dwelling.

The proposed development would result in the loss of 8 individual trees and a small grouping of trees on the site (5 apple, 1 pear, 1 oak, 1 yew, and a group of ash, cherry and elder). These trees are not considered to be of significant amenity value worthy of protection. There is a Norway maple and a horse chestnut on the site which are subject to TPO 1/82, these two trees are unaffected by the proposed development.

Any new dwelling on the site should be more directly orientated towards the new residential development immediately to the south of the site, and be set further back from the frontage with St. Edmunds Lane. A more modest dwelling than that proposed may be found acceptable.

UDC Environmental Health Officer

- 9.6 No objections.

10. REPRESENTATIONS

- 10.1 Neighbour notification period expired 18 January 2018 (15 May 2018).
3 representations received. Advertisement expires 25 January 2018. Site notice expires 29 January 2018.

6 representations received:

- Proposed development would direct traffic via Tower View Drive. The dwelling should be served instead by the access reinstatement proposed for Tower House (UTT/17/3603/HHF).
- The proximity of the proposed dwelling to the Grade II listed Tower House would have a detrimental impact on the heritage asset and its setting.
- The design of the proposed building is unimaginative.
- The proposed location of the garage is off-set from its neighbour.
- Loss of outlook.
- Noise during construction period of new dwelling.
- Lack of parking.
- The application to build a new house with access through the estate is not possible as the new house would be a separate entity and cannot be part of the management company.

11. APPRAISAL

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

- A Whether the proposed development would be acceptable in principle (NPPF, ULP Policy S7)
- B Impact of the proposed works upon the setting of a listed building (ULP Policy ENV2)
- C Impact on highway safety (ULP Policy GEN1)
- D Design (ULP Policy GEN2)
- E Parking standards (ULP Policy GEN8)
- F Impact on neighbouring amenity (ULP Policy GEN2)
- G Impact of the proposed works upon preserved trees / non-preserved trees of significance (ULP Policy ENV3).
- H Impact upon protected species (ULP Policy GEN7)

A Whether the proposed development would be acceptable in principle (NPPF, ULP Policy S7)

- 11.1 The site lies outside development limits for Great Dunmow and therefore lies within the countryside for the purposes of the adopted local plan. ULP Policy S7 of the local plan states that the countryside will be protected for its own sake. However, seven new dwellings have been recently constructed to the immediate south of Tower House (Tower View Drive) when it was considered by the Council for that planning application that the proposal would represent a presumption in favour of sustainable development under the provisions of the NPPF and that the impact of the development on the countryside at this location would not be significant.
- 11.2 The proposal site stands between Tower House and Tower View Drive along the St Edmunds Lane frontage. Whilst the site does not represent a natural infill site (where this position did not exist before the construction of Tower View) the fact that this development now exists means that the proposal site can be read in the context of an infill site where infilling is permitted under ULP Policy S7 given the right site circumstances and given that Policy DS1: TDA of the made Great Dunmow Neighbourhood Plan permits appropriate infilling within existing built-up areas.
- 11.3 The principle of allowing a new dwelling at the proposal site is therefore considered acceptable in terms of countryside protection and no rural amenity objections are raised to the proposal under ULP Policy S7.

B Impact upon the setting of a listed building (ULP Policy ENV2)

- 11.4 It is incumbent upon a local planning authority to assess the impacts of new development on heritage assets where this assessment is required under Paragraphs 133 and 134 of the NPPF and where ULP Policy ENV2 of the adopted local plan requires that development respects the special characteristics of such assets, including their setting.
- 11.5 The proposal the subject of the current application has been previously assessed at preliminary enquiry stage when your officers advised the applicant's agent that there could be potential scope for a new dwelling of sympathetic design to be built within the grounds of Tower House, which is a grade II listed building. The application has been submitted on this basis and follows closely that advice, albeit that the dwelling shown differs slightly from that originally proposed in terms of design. However, the Council's Conservation Officer has advised for the current application in her original consultation response that the bulk and scale of the dwelling as presented is too

large and bulky and not properly orientated whereby it should be turned on its axis to read more properly with the adjacent Tower View Drive development.

- 11.6 The specialist comments received from the Council's Conservation Officer has led to a deferment of the application whereby revised drawings have been submitted in response showing a dwelling of more muted design and turned to face Tower View Drive in a more purposeful manner. The revised comments of the Conservation Officer have since been received on the revised drawings whereupon heritage objections have still been raised to the design of the dwelling where it is stated in the response that;

"I feel that the revised scheme does not overcome my previous concerns. No attempt has been made to substantially reduce the accommodation within the new dwelling, its location still poorly relates to the modern development already undertaken, whilst clearly it would visually impinge on the setting of the Tower House seriously undermining its present sense of isolation. On balance, I feel that due to the proximity of the designated heritage asset and the belt of TPO trees, it is unlikely that an additional dwelling of these proportions could be accommodated here".

- 11.7 It should be noted that concerns have also been expressed by the Council's Landscape Officer in terms of the impact that the proposed dwelling would have upon local landscape character where the view has been expressed in his response that;

"The proposed dwelling presents its rear elevation to St. Edmunds Lane. This arrangement is not considered to be visually desirable when viewed from the public highway. Additionally, its siting near to the St. Edmunds Lane frontage would result in the loss of the open character of this part of the site and detrimentally impact on the setting of Tower House. An important view of the windmill tower would be obscured by the proposed dwelling".

- 11.8 It is considered from the concerns expressed by both the Conservation Officer and the Landscape Officer that the development by reason of the siting, scale and design of the new dwelling would lead to substantial harm to the significance of Tower House as a designated heritage asset whereby it has not been demonstrated by the applicant that the substantial harm is necessary to achieve substantial public benefits that would outweigh this harm where the introduction of a single dwelling at this site to count against the Council's current housing supply deficit is not outweighed by the harm which would be caused. The siting position of the garage for the new dwelling as shown on the revised layout drawing is considered to be more appropriate to the side of the dwelling rather than in line with the existing garage to the first dwelling at Tower View on the other side of the rear entrance track into Tower House as originally proposed. No specific or heritage objections are therefore raised to the siting or the design of the garage.

- 11.9 Given the above, it is considered that the dwelling would fail to be in keeping with the scale, character and surroundings of Tower House as a heritage asset contrary to ULP Policy ENV2 and would be contrary to paragraph 133 of the NPPF relating to heritage protection.

C Impact on highway safety (ULP Policy GEN1)

- 11.10 The new dwelling would utilise the new private drive which serves Tower View (Tower View Drive). As such, there would be a minor intensification of use of this gated drive. ECC Highways have been consulted on the proposal and have not

raised any objections on highway safety grounds and no objections are raised under ULP Policy GEN1. The comments from third party residents living at Tower View relating to the Tower View management company and potential impacts on future drive maintenance are noted. However, this is not a material planning consideration.

D Design (ULP Policy GEN2)

- 11.11 The new dwelling would have a road frontage to the rear and a private drive to the front. The site as laid out would enjoy natural screening to both the front and rear in the form of mature trees and established hedging. Whilst the dwelling would not be afforded a total private zoned garden amenity space in the true sense of the word, there would be sufficient space around the dwelling collectively for an amenity space exceeding 100sqm to be achieved for the private enjoyment of the occupants. The dwelling would stand on reasonably level ground so that access to the dwelling from the parking area would be easily achieved. No design objections are therefore raised under ULP Policy GEN2.

E Parking standards (ULP Policy GEN8)

- 11.12 The ancillary garage to the new dwelling would have two parking bays, whilst additional hardstanding parking is shown in front of the garage at the end of the driveway. At 2.5m x 6.0m bay size, the garage bays would not conform to the 3m x 7m bay size required by ECC Parking standards. However, given the size of the site it is considered that a relaxation of these standards can be applied, whilst three parking spaces shown overall for the proposed development would comply and exceed the parking provision required for a 4+ bedroomed dwelling. No parking objections are therefore raised under ULP Policy GEN8.

F Impact on residential amenity (ULP Policy GEN2)

- 11.13 The new dwelling would be orientated towards Tower View Drive facing onto the upper end of Tower View. The separation distance involved and vegetation which exists on the frontage boundary which would be retained would mean that any "front to front" amenity impact would not be significant and would not result in a meaningful loss of residential amenity to the occupants of Tower View, whilst the separation distance of between 5m -17m along the northern flank boundary of the new dwelling to Tower House as the "donor" dwelling and the fact that roof lights are shown for the NE flank elevation of the new dwelling would mean that no significant overbearing effect, loss of privacy by reason of overlooking or loss of light or outlook would occur to/from this adjacent dwelling. No residential amenity objections are therefore raised under ULP Policy GEN2.

G Impact of the proposed works upon preserved trees / non-preserved trees of significance (ULP Policy ENV3).

- 11.14 The site contains various trees of varying size, condition and longevity, some of which are subject to TPO. A tree survey has been prepared of the site which accompanies the application identifying these trees.
- 11.15 The Council's Landscape Officer has visited the site to assess the impact of the proposed development on these trees based upon both the original and revised site layout drawings for the new dwelling. He has advised that the development would result in the loss of 8 individual trees and a small grouping of trees on the site (5 apple, 1 pear, 1 oak, 1 yew, and a group of ash, cherry and elder) whereby these trees are not considered to be of significant amenity value worthy of protection. He has also advised

that there is a Norway maple and a horse chestnut on the site which are subject to a TPO 1/82 which would be unaffected by the proposed development.

- 11.16 Based upon the Landscape Officer's findings, the proposal would not have a detrimental impact on any preserved trees or any non-preserved trees on the site and would not be contrary to ULP Policy ENV3.

H Impact upon protected species (ULP Policy GEN7)

- 11.17 The site comprises primarily grassland and perimeter hedgerows. The application is accompanied by a detailed ecology assessment (Extended Phase 1 Habitat Survey T4 Ecology Ltd - Dec 2017) which has concluded from the site survey conducted that the site does not provide suitable habitats for protected or priority species and that none were found during the survey.
- 11.18 ECC Ecology has commented that the proposal is limited in scale and scope and is unlikely to impact designated sites, protected or priority species or priority habitats according to the ecology report prepared and that government advice states that further surveys are only required if there is a *reasonable likelihood* of biodiversity being impacted. Given the low ecological value of the site, ECC Ecology advises that further surveys are not required. Accordingly, no ecology objections are raised under ULP Policy GEN7.

12. CONCLUSION

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

- A** The site is located within a sustainable position on the edge of Great Dunmow notwithstanding that it lies just beyond development limits and represents a development infill site given the recent residential development which has been built to the immediate south of the site (Tower View), whilst the impact of a proposed dwelling at this infill location on the wider countryside setting would not be significant (NPPF and ULP Policy S7).
- B** The development would lead to substantial harm to the significance of Tower House as a designated heritage asset whereby it has not been demonstrated that this substantial harm is necessary to achieve substantial public benefits that outweigh this harm (NPPF and ULP Policy ENV2).
- C** The proposal would not have a harmful impact on highway safety (ULP Policy GEN1).
- D** The proposal would meet design standards relating to garden sizes (ULP Policy GEN2).
- E** The proposal would comply with adopted parking standards (ULP Policy GEN8).
- F** The proposal would not have a significant impact on residential amenity (ULP Policy GEN2).
- G** The proposal would not have a detrimental impact upon preserved trees/non-preserved trees of significance (ULP Policy ENV3).
- H** The proposal would not have a detrimental impact upon protected or priority species (ULP Policy GEN7).

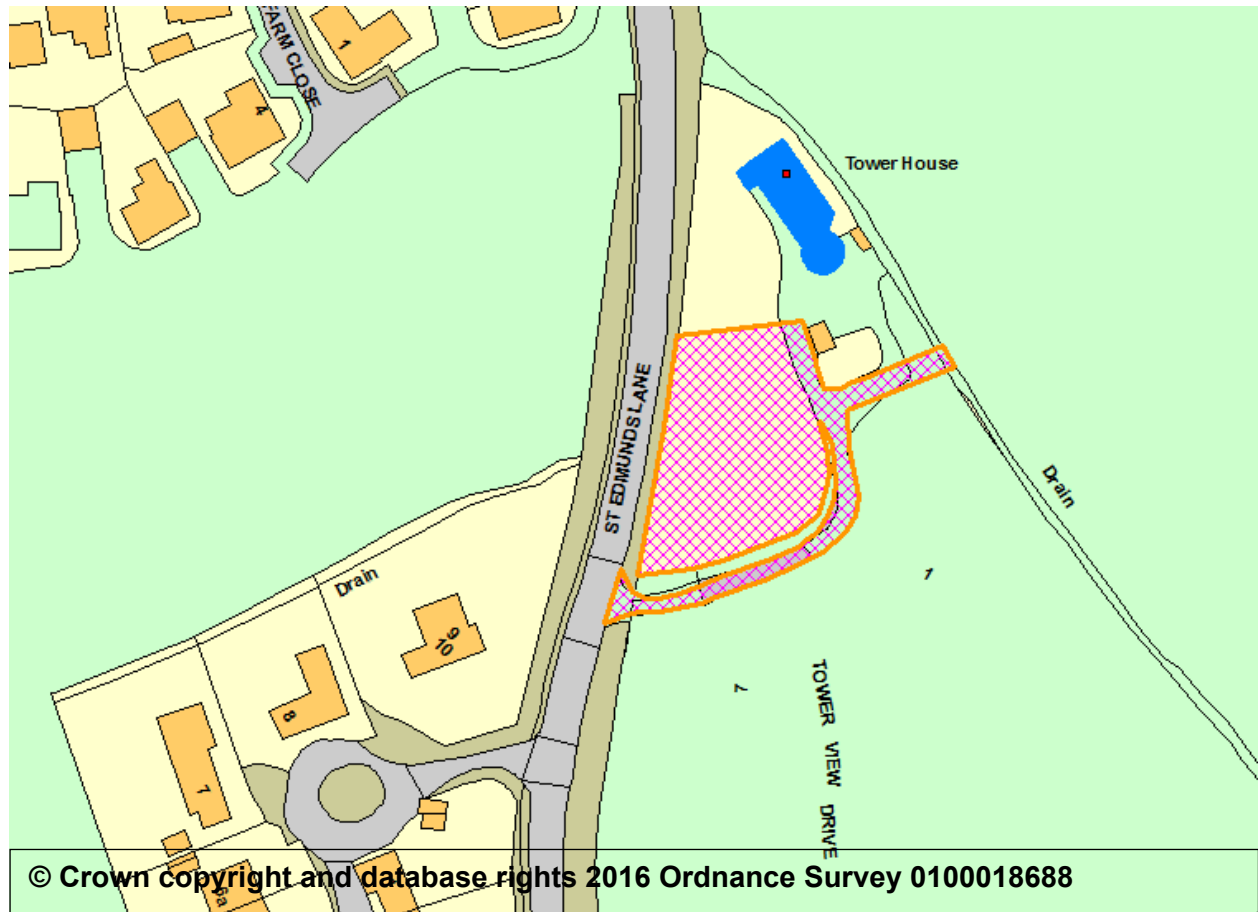
RECOMMENDATION – REFUSAL

1. The proposed development by reason of the size, siting and design of the dwelling proposed for the site would lead to substantial harm to the significance of Tower House as a designated heritage asset in terms of its impact upon its curtilage setting

whereby it has not been demonstrated that this substantial harm is necessary to achieve substantial public benefits that outweigh the harm. As such, the proposal is contrary to ULP Policy ENV2 of the Uttlesford Local Plan (adopted 2005) which seeks to protect heritage assets from inappropriate development and paragraph 133 of the National Planning Policy Framework under which no circumstances exist to warrant approval of the application by way of mitigation.

Application: UTT/17/3605/FUL

Address: Tower House, St Edmunds Lane, Great Dunmow



Organisation: Uttlesford District Council

Department: Planning

Date: 24 May 2018