

**(a) 3/15/1267/HH and (b) 3/15/1268/LBC – Extension to gate house at Front Lodge, Moor Place, High Street, Much Hadham, SG10 6BS for Foxley Builders Ltd**

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**Date of Receipt:** (a) 16.06.2015  
(b) 15.06.2015

**Type:** (a) Householder  
(b) Listed Building Consent

**Parish:** MUCH HADHAM

**Ward:** MUCH HADHAM

**RECOMMENDATION:**

(a) That planning permission be **GRANTED** subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Approved Plans (2E10)
3. Programme of archaeological works (2E02)
4. Bats (2E41) – Insert ‘Bat Roosting Assessment July 2015’
5. Prior to the commencement of the development hereby approved, drawings including sections detailing any excavation and/or re-grading of land to allow for the construction of the extension, together with details of and replacement landscaping, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, those details shall not include any changes to the landform of the land to the west of the historical curtilage of the dwelling. Once approved the development shall accord with the approved details.

**Reason:** In the interests of the rural appearance of the site and to avoid any unacceptable changes to landform, in accordance with policy ENV5 of the East Herts Local Plan Second Review April 2007.

**Informatives:**

1. You are reminded that planning permission is required for the change of use of agricultural land/paddock to residential garden. The permission hereby given relates solely to the erection of an extension to the existing dwelling and does not give any permission to change the use of the land to the north or west of the dwelling to residential garden.

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### Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The balance of the considerations having regard to those policies and the limited harm to the rural character and appearance of the surrounding area is that permission should be granted.

(b) That listed building consent be **GRANTED** subject to the following conditions:

1. Listed Building three year time limit (1T14)
2. Samples of Materials (2E13)
3. Listed Building (new windows) (8L03)
4. Listed Building (new doors) (8L04)
5. Listed Building (new brickwork) (8L06)
6. Listed building (new rainwater goods) (8L09)

### Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The balance of the considerations having regard to those policies is that listed building consent should be granted.

\_\_\_\_\_ (126715HH.EA)

## **1.0 Background**

- 1.1 The application site is located to the west of the High Street in Much Hadham and is shown on the attached OS plan.
- 1.2 The applications seek planning permission and listed building consent for the erection of a single storey side and rear extension to the existing

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dwelling. The applications as originally submitted also proposed the erection of a cart lodge to the north of the dwelling. However, following discussions with the applicant this element of the proposal has now been withdrawn from the applications.

- 1.3 The existing building known as Front Lodge is the original lodge building to the Moor Place estate which is to the west of the application site, and lies at the entrance to the Moor Place estate from the High Street. The lodge building is not a listed building in its own right but, as it is situated within the curtilage of the Grade I listed Moor Place the building is considered to be curtilage listed and therefore listed building consent is required for any alterations to the building.

### **2.0 Site History**

- 2.1 Planning permission was granted in the 1960s for a single storey rear extension (Ref. E-165/60).

### **3.0 Consultation Responses**

- 3.1 The Council's Conservation Team has recommended consent be granted and commented that the proposed extension is sympathetic to this curtilage building and would not be out of character with the Conservation Area.
- 3.2 County Highways do not wish to restrict the grant of permission and comment that the public right of way to the south of the application site should remain unobstructed at all times and the safety of the public using the route should be a paramount concern.
- 3.3 The Historic Environment Unit, HCC have commented that the site is located within an area of archaeological significance and the proposed development should be regarded as likely to have an impact on heritage assets of archaeological interest. It is therefore recommended that a condition is attached to any permission requiring the implementation of a programme of archaeological work.
- 3.4 Herts Ecology has commented that appropriate survey methodologies, research and evaluation have been carried out and the mitigation/compensation measures within the Bat Report are sufficient to deal adequately with bats from a planning perspective. It is considered that the LPA can apply and satisfy the third test of the Conservation of Habitats and Species Regulations 2010 (as amended) prior to determination, and the presence of bats should not be regarded as a reason for refusal.

**4.0 Parish Council Representations**

4.1 Much Hadham Parish Council made comments only in relation to the cart shed. This element of the proposal has now been withdrawn from the application.

**5.0 Other Representations**

5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

5.2 3 No. letters of representation have been received which can be summarised as follows:

- It is hoped that the house would not dominate the area or affect the light, view, skyline and sunset for those properties opposite;
- The land to the rear of the dwelling would require re-landscaping to accommodate the extension which will impact on the setting of this property in the parkland/agricultural land in which it sits;
- Fencing has already been erected on land to the west of the dwelling;
- Existing trees and hedges have already been removed from the site.

5.3 Concerns were also raised in the representations received in relation to the originally proposed cart shed. As this element of the proposal has now been removed from the application, it is not necessary to now consider these concerns.

**6.0 Policy**

6.1 The relevant 'saved' Local Plan policies in this application include the following:

GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
ENV1	Design and Environmental Quality
ENV5	Extensions to Dwellings
ENV6	Extensions to Dwellings – Criteria
ENV16	Protected Species
BH1	Archaeology and New Development
BH2	Archaeological Evaluations and Assessments
BH3	Archaeological Conditions and Agreements

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### BH6 New Developments in Conservation Areas

6.2 The National Planning Policy Framework (NPPF) and the national Planning Policy Guidance (NPPG) are also material considerations in the determination of the application.

## **7.0 Considerations**

7.1 These applications seek planning permission and listed building consent for a single storey side and rear extension to the existing lodge building. As set out earlier in this report, the applications when originally submitted also proposed the erection of a cart lodge. This element of the proposal has been withdrawn and these applications now relate solely to an extension to the existing dwelling.

7.2 The determining issues in relation to these applications are:

- The principle of development;
- Impact on character and appearance of the dwelling, streetscene and Conservation Area;
- Impact on heritage asset;
- Impact on neighbour amenity;
- Other matters.

### Principle of Development

7.3 The application site, whilst being related to the High Street, does lie outside of the Category 1 Village boundary of Much Hadham and is located within the Rural Area Beyond the Green Belt as designated within the East Herts Local Plan. Policy GBC3 of the Local Plan is therefore the relevant policy under which to consider the proposal, and this policy allows for limited extensions and alterations to existing dwellings in accordance with policy ENV5. Policy ENV5 states that outside of the main settlements and category 1 and 2 villages, an extension to a dwelling will be expected to be of a scale and size that would either by itself or cumulatively with other extensions, not disproportionately alter the size of the original dwelling nor intrude into the openness or rural qualities of the surrounding area.

7.4 From the submitted plans and taking into account the previous extension to the property (granted permission in the 1960s (ref. E-165/60)), the proposal would result in a floorspace increase of approximately 109% when compared to the floorspace of the original dwelling. Such an increase cannot be considered to be limited in the

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context of policies GBC3 and ENV5, and the proposal is therefore contrary to these policies.

#### Impact on character and appearance of the dwelling, streetscene and Conservation Area

- 7.5 However, when considering proposals to extend properties in the Rural Area, the visual impact of the floor space increase on the character and appearance of the area is also material in the determination of the application. Clearly by its nature, the original lodge building was a small building and therefore extensions to it are likely to result in relatively significant increases in the floorspace of the building. The proposed extension would be sited on the west facing elevation of the dwelling, and therefore when viewed from the High Street, much of the extension would be obscured from view by the existing building.
- 7.6 Whilst the full width of the extension could be seen from the west, due to the changes in land levels between the application site and the adjacent open fields, it would be mainly the roof of the extension that would be visible, and it will also be seen against the backdrop of the existing dwellings on the east side of the High Street. Having regard therefore to the scale, design and siting of the proposed extension, it is considered that the proposal would result in limited harm to the character and appearance of the rural area.
- 7.7 Concern has been expressed by third parties that the re-landscaping required to accommodate the extension will impact on the setting of this property. Due to the differences in land levels between the application site and the land to the west, it is likely that some excavation will be required to enable the construction of the proposed extension although details of this have not been shown on the submitted plans.
- 7.8 Having regard to the size of the proposed extension; its siting and the differences in land levels to the west, it is not considered that the extent of excavations required would result in significant harm to the character and appearance of the site and its rural setting. It is recommended that a condition is attached to any permission requiring details of any required excavation to be submitted and agreed in writing prior to the commencement of the development. It would also make clear that changes in landform should not extend further to the west outside of the historical curtilage of the dwelling.
- 7.9 As set out above, the site fronts onto the High Street and the existing dwelling is visible within the streetscene. However due to the siting of the proposed extension, it would have a limited impact on the character

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and appearance of the streetscene and the Much Hadham Conservation Area wherein the site is situated. The character of the Conservation Area is preserved. The Council's Conservation Team has raised no concerns with the impact of the extension on the character and appearance of the Conservation Area.

#### Impact on heritage asset

- 7.10 Turning now to the impact of the proposed extension on the character and appearance of the existing building and its significance. It is acknowledged that the proposed extension would result in a significant increase in the floorspace of the dwelling. However, it is considered that the siting and design of the extension are such that the extension would respect the character and appearance of the existing building. The Council's Conservation Team have not raised any objection to the application, and have commented that the location, scale, height, design and materials of the proposed extensions would be sympathetic to this curtilage building and is therefore considered to be acceptable. The proposals therefore accord with policy ENV1 and the design considerations of policies ENV5 and ENV6. Furthermore, the proposal would not result in harm to the significance of this heritage asset.

#### Impact on neighbour amenity

- 7.11 The nearest dwellings to the application site are to the east of the site on the opposite side of the High Street. The proposed extension would be located a minimum of 35 metres from the front elevation of these neighbouring dwellings, and having regard to this distance it is considered that the proposed extension would not result in any harmful impacts in respect of overlooking, loss of light, overbearing impact or impact on outlook. It is noted that the ground level of the application site is higher than the land to the east of the site. However, this is considered to have no further material impact in relation to neighbour impact.
- 7.12 The property to the north of the application site is located approximately 50 metres from the proposed extension. Taking into account this distance, it is considered that the proposal would not result in any harmful impacts to the amenities of the occupiers of this dwelling.

#### Other matters

- 7.13 The submitted Bat Roosting Assessment (July 2015) sets out that evening activity surveys undertaken confirmed the presence of two brown long-eared bats, which were likely to be roosting within the

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property. The submitted Assessment sets out a number of mitigation measures to be implemented, which Herts Ecology has commented are adequate.

- 7.14 As the proposal will impact upon protected species, the Council are required to undertake a derogation test as required in the Habitats directive. These tests are as follows: first, the proposal must be for imperative reasons of overriding public interest or for public health and safety. The proposal will renovate and improve this existing dwelling, which is limited in size, and will assist in ensuring long term occupation of this heritage asset. Secondly, there must be no satisfactory alternative. The works are required to this building to renovate it and to secure its long term occupation. Thirdly, the favourable conservation status of the species must be maintained. Herts Ecology are satisfied that this test would be met and it is therefore reasonable that a planning condition be attached requiring that the mitigation measures as set out in the ecological report be implemented.
- 7.15 Accordingly, the proposals have been considered in relation to the three derogation tests as is required in the Conservation of Habitat and Species Regulations 2010.
- 7.16 The Historic Environment Unit, HCC have commented that the site is located within an area of archaeological significance and the proposed development is regarded as likely to have an impact on heritage assets of archaeological interest. They have therefore requested that a condition is attached to any permission given requiring the implementation of a programme of archaeological work. Such a condition is considered to be reasonable and necessary in this case.
- 7.17 Concern has been expressed by third parties that fencing has been erected on land to the west of the dwelling. This application does not seek permission for any such fencing or for the use of any land (beyond the existing curtilage of the dwelling) for residential garden. It is recommended that a directive is attached to any permission informing the applicant that this application grants permission solely for the erection of an extension, and not for the change of use of any land.

### **8.0 Conclusion**

- 8.1 The proposed extension, together with a previous extension undertaken to the property in the 1960s, would not constitute limited extensions and the proposal is therefore contrary to policies GBC3 and ENV5 of the Local Plan. However, having regard to the scale, design and siting of the proposed extension, it is considered that the proposal would result



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in limited harm to the character and appearance of the rural area. Furthermore the proposal would not result in harm to the character and appearance of the existing building; the heritage asset or the Much Hadham Conservation Area. In light of the limited harm associated with the proposed extension, it is recommended that a departure to policies GBC3 and ENV5 should be allowed in this case. It is therefore recommended that planning permission and listed building consent be granted in this case, subject to the conditions set out at the head of this report.