

13. **3/09/0229/FP – Erection of 2 detached, 4 bedroom dwellings at Bonks Hill House, Bonks Hill, Sawbridgeworth for Mr O Hookway.**

Date of Receipt: 16.02.2009

Type: Full

Parish: SAWBRIDGEWORTH

Ward: SAWBRIDGEWORTH

RECOMMENDATION

That planning permission be **GRANTED** subject to the following conditions:-

1. Three year time limit (1T121)
2. Samples of materials (2E123)
3. Levels (2E051)
4. Construction workers vehicles (3V221)
5. Wheel washing facilities (3V251)
6. No development shall take place until the applicants have entered into an agreement with the Highway Authority under section 278 of the Highways Act in respect of the access and junction arrangements indicated on drawing number 2007/028 001. Unless otherwise agreed in writing by the local planning authority, such highway works shall be completed prior to the first occupation of any part of the approved development.

Reason: In the interests of highway safety

7. Withdrawal of PD Part 2 Class A (means of enclosure) (2E131)
8. Withdrawal of PD Part 1 Class E (incidental structures) (2E223)
9. Landscape Design Proposals (4P124)
10. Landscape works implementation (4P13)
11. Hedge retention and protection (4P06)
12. Tree retention and protection (4P05)
13. Tree/natural feature protection (4P07)

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14. Tree protection: No burning (4P08)
15. Tree protection: Excavations (4P09)
16. Tree protection: Earthworks (4P10)
17. Parking space (3V193)
18. Hours of working (5U081)

Directives

1. Other legislation (010L1)
2. Highways Works (05FC2)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Adopted Local Plan Second Review April 2007 and in particular policies HSG7, ENV1, ENV2, ENV9, ENV11, BH6, BH12 and TR7. The balance of the considerations having regard to these policies in this case is that planning permission should be granted.

_____ (022909FP.MP)

1.0 Background

- 1.1 The site is located within the built up area of Sawbridgeworth and within the town's Conservation Area. It is sited on the western side of Bonks Hill, just to the north of the access with High Wych Road as shown on the attached OS extract.
- 1.2 Members may recall that a scheme for two new dwellings under LPA reference 3/08/1854/FP was refused by the Development Control Committee on the 14 January 2009 for the following reasons:-

The proposed development would be detrimental to the setting of the Listed Building, and contrary to policy BH12 of the East Herts Local Plan Second Review April 2007.

The proposed development by virtue of the design and appearance of the dwelling would be out of keeping with and therefore detrimental to the existing character of the site and surrounding area contrary to policies ENV1 and HSG7 of the East Herts Local Plan Second Review April 2007.

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- 1.3 The revised planning application seeks to address the above reasons for refusal with a revised design and form of dwelling.
- 1.4 The site is accessed via the existing joint access driveway serving both Bonks Hill House and Weeping Ash (the property on the corner of High Wych Road and the access drive). The site proposed for the two dwellings currently forms part of the garden of Bonks Hill House, a grade II listed building and contains a large number of specimen trees and mature planting especially on the boundaries of the site. A number of the mature trees are protected via a Tree Preservation Order (No 141).
- 1.5 The character and appearance of the plot itself predominantly revolves around the large, attractive landscaped gardens serving the existing listed property. To the north west of the site lies the modern residential development of Heron Close, and to the south west of the site is a parcel of land, understood to form part of the garden space to the property known as Weeping Ash. To the east of the site is Bonks Hill road which links Harlow to Sawbridgeworth.
- 1.6 Bonks Hill House itself is described in the list description “as a house of striking appearance in a picturesque setting” and it is believed to date back to the 1700’s. It is significant in terms of its size, design, form and architectural merit.
- 1.7 The proposal seeks planning permission to erect two dwellings of similar footprint, size, scale, form and design, within the site. They are of a ‘barn type’ appearance, featuring uniform and balanced frontages with a large gable on the front façade. Two appendages to the building are proposed in the form of a side projection with a lower roof ridge line with hip on the gable.
- 1.8 Within each proposed plot the existing trees and vegetation features would represent a significant proportion of the amenity space available to each new property. The existing trees and landscaping are proposed to be retained, with the boundaries to the proposed plots and adjoining sites proposed to be reinforced with additional planting, as is outlined within the proposed landscape plans. Each plot benefits from over 150 square metres of garden amenity space.
- 1.9 Access is proposed via the existing access driveway serving Bonks Hill House (and Weeping Ash), which runs adjacent to the rear of properties in Heron Close. There is a close boarded fence approximately 1800mm in height which runs to the rear of 3 and 4 Heron Close.

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1.10 The application is being reported to Committee at the request of Cllr Gilbert.

2.0 Site History

2.1 There have been a number of planning applications relating to extensions and additions to the listed building itself. In relation to applications relating to the plot of land in question within this application, planning permission was refused under LPA reference 3/90/1065/OP for the erection of a dwelling to the north east of the current proposal on grounds relating to the impact on the setting on the Listed Building and the impact on TPO's (Tree Preservation Orders) within the site.

3.0 Consultation Responses

3.1 Hertfordshire County Highways have commented that they do not wish to restrict the grant of permission. The Highways Officer comments that, in a Highway context, consideration of this application is identical to the previous submission made under LPA reference 3/08/1854/FP. The Officer comments that the proposed improvements are modifications to the existing white lining within the carriageway and will assist in achieving visibility for and of vehicles emerging from the access drive and ensure that vehicles turning right into the site are not blocked from doing so by vehicles queuing at the junction of High Wych Road with Bonks Hill.

3.2 County Highways have also commented recently that, following concerns expressed to them direct from local residents, a safety audit of the access to the site was carried out. As a result of this, however, they remain of the view that the proposed access is acceptable in terms of highway safety and they continue to raise no objection to the proposal, subject to the S.278 agreement referred to in Condition 6 at the head of this report.

3.3 The Environment Agency has assessed the application as having a low environmental risk and will not be providing comments on the application.

4.0 Town Council Representations

4.1 Sawbridgeworth Town Council objects to the development; they consider that the development would contravene policies BH12 and HSG7 of the Local Plan. Concern is also raised in respect of the dangerous access road, and that the nature of this access would restrict services and emergency vehicles accessing the site.

5.0 Other Representations

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

5.2 At the time of writing this report letters of objection have been received from numbers 2, 4, 5, 7, 8, 9, 11, 15, 18 Heron Close and 70 High Wych Road and Weeping Ash. The majority of those letters recognise that the only difference between this scheme and that previously refused by the Council, involves the alteration to the design of the buildings, which also involves an increase in the buildings size. The letters of representation do not generally consider the revised scheme to be acceptable for the reasons outlined within previous correspondence. A summary of those previous concerns includes:-

- Impact on amenity of neighbouring properties
- Loss of privacy
- Detrimental to outlook
- Refuse collection issues
- Impact on the setting of the listed building
- Impact on trees and vegetation on the boundary
- Impact on highway safety as a result of increased traffic movements on a dangerous access road (particularly during peak times)
- Access to the site is dangerous and cannot be improved upon
- No access for emergency or public service vehicles
- Impact on natural wildlife within the site and adjoining site

5.3 Officers would take this opportunity to highlight to Members that a meeting with the local residents, the Case Officer and a local Councillor have taken place during the time period of the planning application. That meeting allowed the Neighbouring residents to voice their concerns with Officers of the Council verbally, and whilst no weight can be attached to those verbal discussions, Officers consider themselves to be well apprised with the concerns of the neighbours.

6.0 Policy

6.1 The main policy considerations in this case are:-

- HSG7 (Replacement dwellings and infill housing development)
- ENV1 (Design and environmental quality)
- ENV2 (Landscaping)
- ENV9 (Withdrawal of Domestic Permitted Development Rights)
- ENV11 (Protection of existing hedgerows and trees)

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- BH12 (Development affecting the setting of a listed building)
- TR7 (Car parking standards)

7.0 Considerations

- 7.1 Whilst the main considerations of this application is to assess how the revised scheme addresses the previous reasons for refusal. It is considered appropriate in this case to review the overall planning considerations of the application.
- 7.2 The property is located within the built up area of Sawbridgeworth, wherein there is no objection in principle to development.
- 7.3 The previous Officer delegated report identified that planning permission was refused within LPA reference 3/1065-90OP for the erection of a dwellinghouse on the site. This is a factor a number of the letters of representations have referred to within this planning application and the previous planning application. However, that refusal was some time ago, and the policy context for the area has changed significantly. Taking this into account, and with regard to the different siting of that proposed dwelling (located on land in close proximity to the adjoining development in Heron Close), this is not, in Officers opinion a material consideration of significant weight, in this case.

Density and layout

- 7.4 Turning firstly to the appropriateness of the chosen layout upon the character of the area. The previous planning application proposed two dwellings with a footprint of approximately 140 square metres. The revised scheme offers a slightly larger footprint at 144 square metres than this. The siting of the proposed buildings has not altered significantly.
- 7.5 The previous committee report identified that the density of properties within the locality was generally low, comprising of detached dwellings with average sized rear garden spaces and generous spacing between dwellings. The site within this proposal is considered to be in a sustainable location and, by virtue of the size and area of the site, and with regard to Planning Policy Statement 3, (which indicates that a density of 30 dwellings per Ha should be considered as a minimum), it is considered that the site could realistically achieve a significantly greater number of dwellings. However, considering the relationship with the listed building (which shall be discussed in more detail later in the report), and the number of and siting of protected trees (also discussed later within the report) the proposal is considered to be acceptable in terms of density.

- 7.6 It is nevertheless acknowledged that the proposal will subdivide a significant plot size, (details of the impact on the setting of the listed building will be dealt with latter) however, taking into account the previously refused scheme, which was not refused for reasons relating to density, layout or overdevelopment of the plot, it is considered that in this case it would be inappropriate to raise objection with these issues.
- 7.7 Turning to the level of amenity space that the development would provide for future occupiers; as discussed above, the proposal would allow for a significant space for amenity for each of the new houses. As such, I am satisfied that the proposal would result in an acceptable degree of amenity being achieved in compliance with Policy ENV1.

Design and historical context

- 7.8 Turning to the proposed design and appearance of the revised scheme, this element of the scheme has, in Officers opinion, changed significantly. This also specifically relates to the second reason for refusal.
- 7.9 Whereas the refused scheme offered two very contemporary designed buildings, the revised scheme now proposes a more 'traditional' approach. This involves a barn type appearance with a large gable on the front elevation which, in Officers opinion, seeks to replicate large barn doors. Two appendages to the main barn (and gable) form are proposed, in the form of a side projection with a lower roof ridge line and set back nature. A mixture of materials are proposed which includes a brick plinth, boarding and render. To the rear two dormers with a traditional dual pitch are proposed.
- 7.10 Whilst the design and form of the proposed buildings are clearly significantly different to that previously refused, Officers consider that the traditional design approach detailed above would effectively address the reasons for refusal. It is considered that the traditional approach through the massing, materials of construction, form, and siting would enhance the architectural and historic interest of the building. To this extent it is considered that the revised scheme is of an appropriate design which has regard to local distinctiveness and complements the local natural surroundings and has regard to the pattern of planting within the site. The proposal therefore addresses the previous reasons for refusal and would, in Officers opinion, be in keeping with the character and appearance of the site and surrounding area.

Setting of Bonks Hill House

- 7.11 Turning now to the impact of the proposal on the setting of the listed building known as Bonks Hill House. The application now includes a plan (Drawing number 08-1459-002 G1) which outlines that there is a distance of some 59 metres between the existing dwelling (Bonks Hill House) and the higher element of plot 2 and 88 metres to plot 1. The Design and Access Statement makes reference to those distances and outlines the previous history to the site, whereby the original curtilage of Bonks Hill House included former nursery grounds to the north, now developed as Heron Close and land to the north, which has been redeveloped to form 2 detached houses and the Crest bungalow.
- 7.12 The Design and Access statement considers that those factors, combined with the curtilage that Bonks Hill House would retain (in excess of 1acre) as a result of the proposed development, will provide Bonks Hill House with a setting worthy of a listed building.
- 7.13 Whilst Officers would attach less weight to previous decisions relating to the Heron Close development and other developments to the north, it is considered salient in this case, to consider the resultant curtilage that Bonks Hill would retain and the distances between the listed building and the proposed dwellings. The distances and areas involved are, in Officers opinion, significant. Taking this into account and with regard to the revised design and form of dwellings proposed, Officers are of the opinion that the revised scheme would effectively address the first reasons for refusal and do not consider that the provision of two dwellings within the site, having regard to the design and form of the dwellings and the siting of those dwellings, will have a significantly detrimental impact on the setting of the listed building that would warrant the refusal of the application. It is therefore considered that the proposed dwellings will preserve the setting of the listed building, which satisfies Policy BH12 of the Local Plan.

Highway and parking matters

- 7.14 I note that Hertfordshire Highways do not wish to restrict the grant of permission, and raise no concerns with highway safety. This is an issue I note that the occupiers of neighbouring properties are particularly concerned with. However, the Highways Authority is satisfied that the amendments proposed to the existing access would satisfactorily improve access into and out of the site. It is considered that significant weight should be attached to that consultation response. Taking this into account and with regard to the previous decision, which was not refused on Highway safety grounds, it is therefore considered inappropriate to raise any objections in terms of Highway safety matters in this case.

7.15 In respect of parking provision, within the Council's SPD, the maximum standard for a four bedroom dwelling is for 3 spaces. It is noted that the revised scheme allows for one parking space within an attached car port and space for approximately 1-2 spaces within the driveway space of each of the dwellings. This is in line with the maximum standard of the SPD and accordingly no objections are made in respect of this.

Neighbour amenity

7.16 It is noted that the neighbouring properties have raised concern with the degree of impact that increased traffic movements will have on neighbour amenity, and the degree of impact of the proposed buildings on neighbour amenity.

7.17 Turning to the first issue; it is noted that the access driveway runs to the rear gardens of numbers 3, 4 and 5 Heron Close and to what may be considered the front elevation of Weeping Ash. Taking into account the distances between the properties and the access driveway, and the degree of screening (1800mm fence to the rear of number 3, 4 and 5), I do not consider that the degree of impact on the amenity of those properties as a result of the additional traffic movements that two new dwellings would have, is to such an extent as to warrant the refusal of the application.

7.18 Turning to the second issue; it is considered that, taking into account the siting of plot 2 and the distance to the boundary and the degree of screening from existing landscape features, that this property will not result in a significantly detrimental impact on neighbour amenity that would warrant the refusal of the application. The focus of planning considerations in this respect should therefore revolve around plot 1. In the first instance it is noted that the previous planning application was not refused on neighbour amenity grounds. However, in my opinion the neighbouring property which will be impacted to the most significant degree is number 5 Heron Close and, to a lesser degree 4 and 7 Heron Close. However, I do not consider that degree of impact to be significantly detrimental as to warrant the refusal of the planning application in this case. In Officers opinion, the distance between the properties (22.5 metres minimum) and the degree of screening from existing planting is acceptable in planning terms. Members should note that the applicants have proposed an amended internal layout for plot 1 which indicates that the projecting first floor room in the western elevation would be utilised as a bathroom rather than a bedroom. However, it would not be possible to restrict this by condition and officers have therefore considered the potential of the proposal to result in any overlooking, irrespective of any particular internal layout indicated. They remain satisfied that the proposed dwelling would be

sufficiently far enough from nearby neighbouring properties such that no significant overlooking would occur.

- 7.19 It was recognised within the previous Officer report that the adjoining site to the south west of the application site was used as a garden. That area of land has been granted planning permission for a garden use within LPA reference (3/04/1515/FP). It is understood that the garden use forms part of the residential garden space to Weeping Ash. The previous Officer report considered that, taking into account the orientation of the nearest proposed dwelling (plot 1) in relation to that garden space and the degree of screening as existing, that the proposed development would not result in any significant detrimental impact. Officers consider that nothing has changed in this respect, and no objections are made with regard to the impact on neighbour amenity of the garden space.

Landscape and tree issues

- 7.20 At the time of writing this report no comments have been received from the Landscape Officer. However, given that the siting of the dwellings has not altered significantly, it is considered that there are no further objections relating to the impact on existing trees or the landscape features from within the site.
- 7.21 The proposed dwellings have been sited in order to satisfy two important criteria, one being to protect the setting and views of the listed building, and the other being to prevent harm being caused to the protected trees on the site. The dwellings have therefore been sited so as to avoid the root protection areas of the significant trees on the site, whilst still permitting important views to the façade of the listed building.
- 7.22 Having regard therefore to the previous planning application which was not refused for reasons relating to the impact on trees or landscape features, I consider that the proposed development would not result in a significant impact on the existing trees or landscape features within the site. The landscape design proposals would meet the requirements of policies ENV1 and ENV2 of the Local Plan, and are considered to complement the existing character of the site and setting of the listed building. It is nevertheless considered to be appropriate in this case to recommend conditions requiring the protection of the trees during construction works which, in Officers opinion, can be adequately controlled via condition.

Sustainability/Energy efficiency

- 7.23 The Design and Access statement gives some detail with regards to the use of sustainable energy and construction measures within the development. Although such measures are not considered to be required by policy SD1 of the Local Plan (which relates to applications for 15 dwellings or more), the implementation of sustainable development measures is to be welcomed as part of this proposal.
- 7.24 The design and layout of the proposal, and particularly the use of fenestration, seeks to optimise the energy efficiency and sustainability of the development. Solar energy, rainwater harvesting and the use of renewable materials are all proposed.

8.0 Conclusion

- 8.1 To conclude, it is considered that the main planning considerations of this planning application focus on whether the proposal would overcome the previous reasons for refusal identified in the earlier application. It is considered that the revised design approach, offering a traditional approach, is effective in this instance in reducing the impact on the setting of the listed building and context of the locality to an acceptable degree.
- 8.2 The proposal has been considered with regard to the policies of the Development Plan and the balance of the considerations having regard to those policies is that planning permission should be granted subject to the conditions set out at the commencement of this report.