

3/10/0211/FP - Demolish existing dwelling and erect a four bedroom replacement dwelling plus basement at Surrounded, Coveys Lane, High Wych, Sawbridgeworth, CM21 0LE for Mr D Wadhams

Date of Receipt: 17.02.2010

Type: Full - Minor

Parish: HIGH WYCH

Ward: MUCH HADHAM

RECOMMENDATION

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

1. Three Year Time Limit (1T121)
2. Samples of materials (2E123)
3. No development shall take place until details of the materials to be used for the hard surfaced areas within the site including driveways and car parking areas have been submitted to and approved in writing by the local planning authority. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not detract from the appearance of the locality, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

4. No development shall take place until details of all boundary treatments have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of privacy and visual amenity, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

5. No development shall take place until details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels and contours; species, plant sizes and planting plans and densities; written specifications including cultivation and other operations associated with plant and grass establishment; implementation timetables and the identification of protection measures for existing trees and shrubs to be retained. All planting, turfing and seeding shall be completed prior to the occupation of the development or in accordance with a programme agreed in writing by the local planning

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authority. If within a period of 5 years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted at the same place unless the local planning authority gives it written consent to any variation.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

6. Development shall not begin until a scheme for drainage works at the site has been carried out in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason: To prevent pollution of the water environment in accordance with policies ENV20 and ENV21 of the East Herts Local Plan Second Review April 2007.

7. No development shall take place until details of a scheme for the incorporation of sustainable energy initiatives in the development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure the provision of renewable energy facilities in accordance with policy SD3 of the East Herts Local Plan Second Review April 2007.

8. No development shall take place until a scheme providing details of the way in which materials arising from the demolition of the existing dwelling will be re-used on the site has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To accord with Hertfordshire Waste Local Plan policies 7 and 8.

9. Withdrawal of P.D. (Part 1 Class A) (2E203)
10. Withdrawal of P.D. (Part 2 Class A) (2E213)
11. Withdrawal of P.D. (Part 1 Class E) (2E223)
12. No development shall take place until an area for the parking of construction workers' vehicles and the storage of materials within the site has been agreed in writing by the local planning authority. The area shall be used for the agreed purpose at all times during construction and no

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materials shall be stored or vehicles parked on the public restricted byway leading to the site.

Reason: To ensure adequate off-street parking facilities in the interests of highway safety and traffic flows.

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 Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC3, HSG8, ENV1, ENV2, ENV9, ENV11 and TR7. The balance of the considerations having regard to those policies and the replacement dwelling allowed on appeal under LPA ref: 3/09/0299/FP is that permission should be granted.

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1.0 Background

- 1.1 The application site is shown on the attached OS extract.
- 1.2 The site is located within open land characterised by isolated farms and houses and an irregular pattern of small-scale open farmed landscape with discrete blocks of wood together with narrow, winding lanes. Views from the site are down the south-facing slopes towards Fiddlers's Brook. The site is located within the Rural Area beyond the Metropolitan Green Belt.
- 1.3 The site is bound to the north east by mature hedging and trees, which separates the site from a public bridleway. The surrounding boundaries are fairly open allowing for views of the surrounding countryside.
- 1.4 The existing dwelling is a three bedroom bungalow that dates from the pre-war period. It has an irregular form which has evolved from extensions approved to the north and south of the building in the 1950's and 1970's.
- 1.5 The nearest neighbouring dwellings are Cobies and Park Bayliss, which are located 200 metres to the east of the site. These are two-storey detached buildings sited out of view from the application site.
- 1.6 This application seeks permission for the demolition of the existing three bedroom dwelling and its replacement with a four bedroom dwelling.
- 1.7 The proposed dwelling is to be single storey with further accommodation provided in a basement. The ground floor of the dwelling replicates that of the bungalow allowed at appeal under LPA ref: 3/09/0299/FP. The visible

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form of the replacement dwelling above ground level is that of a 'T' shaped bungalow with a roof that would be of a maximum height of 6m. The sloping nature of the site means that the front (east) elevation is perceived to have a lower ridge height than when viewed from the west. The orientation of the dwelling has also been moved through 90 degrees meaning that the alignment of the proposed dwelling is from north to south.

2.0 Site History

- 2.1 Planning permission was granted for the extension of the original dwelling in 1951 under LPA ref: 3/51/0338/FP.
- 2.2 Further ground floor rear and side extensions were approved in 1973 under LPA ref: 3/73/5611/FP.
- 2.3 In 2006 planning permission was granted (LPA ref: 3/06/1525/FP) for the change of use of land to the southeast of the dwelling from pasture land to residential garden.
- 2.4 In 2007 under LPA ref: 3/07/0801/FP planning permission for the demolition of all existing buildings on the site and erection of replacement two storey dwelling and cart shed was refused under delegated powers. The reasons for refusal were due to the local planning authority not being satisfied that the existing building was of poor appearance or construction such that it was not capable of retention; insufficient information had also been submitted in respect of the existing dwelling to show that the volume of the proposed replacement dwelling was not materially larger than the dwelling to be replaced excluding separate buildings; and that the replacement dwelling by reason of its massing, height and design would be unduly prominent in the surrounding area and more visually intrusive than the dwelling to be replaced.
- 2.5 The applicant appealed the decision of LPA ref: 3/07/0801/FP, which was dismissed by the Planning Inspector, who commented that although the existing bungalow and garage have little architectural merit, they are unobtrusive on the plot and do not have any significant adverse effect on the rural character of the area. The appeal was also dismissed due to the proposed replacement dwelling having a visually harmful effect on the character and appearance of the countryside.
- 2.6 In 2009 two further planning applications were received simultaneously for the demolition of the existing dwelling and the erection of a replacement dwelling: scheme A was for the erection of a bungalow (LPA ref: 3/09/0299/FP) and scheme B for the erection of a two storey dwelling (LPA ref: 3/09/0298/FP). Both schemes were refused for the reason that the

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Local Planning Authority was not satisfied that the existing building was of poor appearance or construction such that it is not capable of retention. Scheme B, for the two storey dwelling, had a further reason for refusal relating to its massing, height and design being unduly prominent in the surrounding area and more visually intrusive than the dwelling to be replaced.

- 2.7 These decisions were appealed resulting in scheme A being allowed by the Inspectorate and scheme B being dismissed. In both cases the Planning Inspector concluded that, notwithstanding the existing dwelling's acceptable appearance, it is of sufficiently poor construction to justify its replacement, without conflicting with the sustainability objectives of the policies of the East Herts Local Plan Second Review April 2007. With regard to the two storey replacement dwelling (scheme B) the Inspector concluded that the dwelling would have an unacceptable visual impact on the rural surroundings.
- 2.8 This current application is therefore an amended scheme similar to LPA ref: 3/09/0299/FP (Scheme A – allowed at appeal) with the amendment of the inclusion of a basement floor.

3.0 Consultation Responses

- 3.1 Environmental Health has recommended conditions which shall be attached to any permission given that relate to noise, air quality and contaminated land.
- 3.2 The Environment Agency has recommended a condition that relates to the construction of the site drainage system (sewerage and surface water) being carried out in accordance with details submitted to and approved in writing by the planning authority before the development commences. Further advice is also given to the applicant regarding a duty of care when removing and disposing of the existing asbestos tiles.
- 3.3 County Highways do not wish to restrict the grant of permission subject to conditions relating to the provision of areas for parking and storage of materials associated with the construction, and the surfacing of the vehicular area to allow for satisfactory parking and turning of vehicles. The above would have to be completed in a manner to the local planning authority's approval, and before the premises are occupied.
- 3.4 The Council's Conservation Officer raised no objections to the proposal commenting that it would have a limited impact on the wider character and appearance of High Wych.

3.5 The Councils Landscape Officer commented that the plot is in generous proportion to the size of development and there is an opportunity here to achieve some of the aspirations and principles of PPS9: Planning for Biodiversity and Geological Conservation. The key principles in PPS9 require that planning policies and decisions not only avoid, mitigate or compensate for harm but seek ways to enhance and restore biodiversity. There is already some mitigation in that the landowner has increased the amount of hedged field boundary along the southern section of the site, thus strengthening and improving the biodiversity (and existing landscape character) along this boundary. One way of helping the developer address biological diversity considerations, would be to suggest consideration of planting a new area of woodland, using indigenous local species if possible.

The Landscape Officer states that the spread of spoil from foundations etc over the eastern sector of the site as proposed in the previous application, to form a bund may appear incongruous and artificial in the landscape setting. Woodland planting on this part of the site however could be offered in mitigation.

It is also noted that this site is largely concealed from view from the north by existing vegetation, and although open to the south, will be seen by few people. From within the site there are extensive views out. The impact of the proposals could be mitigated and reduced by appropriate landscape measures. There is no site survey in accordance with BS 5837: 2005 included with the submission. Although the proposals are not overly contentious in terms of landscape impact, it would be preferable to see some landscape proposals as a condition attached to full planning approval (if given).

4.0 Parish Council Representations

4.1 High Wych Parish Council has raised no objections to the proposal

5.0 Other Representations

5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

5.2 No letters of representation have been received.

6.0 Policy

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

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GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
HSG8	Replacement Dwellings in the Green Belt and Rural Area Beyond the Green Belt
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV11	Protection of Existing Hedgerows and Trees
TR7	Car Parking – Standards

7.0 Considerations

Principle of development

- 7.1 As stated above, the principle of the erection of a replacement dwelling at this site is acceptable following the recent allowed appeal. The Planning Inspector concluded that, notwithstanding the existing dwelling's acceptable appearance, it is of sufficiently poor construction to justify its replacement by the proposed bungalow, without conflicting with the sustainability objectives of the policies of the East Herts Local Plan Second Review April 2007.
- 7.2 Policies GBC3 and HSG8 of the Local Plan consider replacement dwellings in the Rural Area as appropriate in circumstances where the original dwelling is of poor appearance or construction, not capable of retention, and not contributing to the character or appearance of the surroundings in the rural area. Since the Inspector considered the principle of a replacement dwelling as acceptable in the case of 'Surrounded', the criteria for acceptability would be whether the volume of the new dwelling would be materially larger than the dwelling to be replaced, plus any unexpended permitted development rights excluding separate buildings; and the new dwelling should not be more visually intrusive than the dwelling to be replaced.

Policy HSG8 Considerations

- 7.3 The volume of the existing dwelling, including the volume that would be created by the unexpended permitted development rights is estimated to be approximately 667.9m³, and the volume of the dwelling allowed at appeal was approximately 684.9m³. The volume of the dwelling proposed by the current application (including the basement) is approximately 984.52m³, which calculates at a 47% increase in volume over the original house.
- 7.4 The consideration is therefore whether a 47% increase in volume is considered to result in a dwelling which is materially larger than the existing dwelling. In determining this issue Officers have had regard to the Inspector's considerations in respect of the appeal against the refusal of planning reference 3/09/0298/FP, which was the refused application for the

replacement of the above dwelling with a two-storey building. In considering this appeal the Inspector concluded that the 18% volumetric increase proposed would represent a material increase. Having regard therefore to this consideration, a 47% increase in the volume of the dwelling is considered to represent a material increase which would be contrary to policy HSG8. It is therefore necessary to consider whether special circumstances exist in this case to warrant a departure from policy

- 7.5 In considering this, it should firstly be noted that the increase in volume proposed over and above that which was allowed on appeal is in the form of a basement to the property, and the resultant dwelling would therefore have no greater visual impact than the approved dwelling. It is therefore considered that the proposed replacement dwelling would be no more visually intrusive than the dwelling to be replaced.
- 7.6 Furthermore, regard should be had to the extensions that could be undertaken under permitted development rights to the replacement dwelling once it was constructed. In allowing the appeal, the Inspector did not remove Class A Permitted Development rights and therefore significant extensions could be undertaken to the side and the rear of the property without planning permission, which could increase the volume of the dwelling by arguably greater than is proposed by this application, and in a way which would be more visually harmful to the character of the rural area.
- 7.7 Having regard therefore to these considerations, it is considered that in this case special circumstances exist to warrant a departure from policy, and that the increase in the volume of the dwelling in the form of a basement would not be any more visually intrusive than the approved replacement dwelling. It is however recommended that any grant of permission should be subject to a condition removing Class A permitted development rights to allow the Council to retain control over any future development on the site.

Other considerations

- 7.8 Officers recommend that the assessment of whether the design of the dwelling reflects the local distinctiveness of the rural area, and surrounding development, together with consideration as to whether this proposal will cause any detrimental impacts upon the enjoyment of the amenities of the occupants of the neighbouring dwellings, has been considered through the previous scheme allowed at appeal. Since the scale, siting, massing, and design of this dwelling would not be materially altered when viewed externally; it is my recommendation that this proposal remains in accordance with policy ENV1 of the Local Plan.

- 7.9 The Environment Agency raised no objections to this proposal but recommended a condition relating to details of the construction of the drainage system (sewerage and surface water) to be carried out in accordance with plans approved by the Local Planning Authority. Policy ENV18 of the Local Plan states that development of land will be required to preserve and enhance the water environment. It is therefore Officers recommendation that it would be appropriate to include the condition as suggested by the Environment Agency to ensure that the water environment is not harmed to its detriment, and such a condition was attached to the appeal allowed by the Inspector.
- 7.10 With regard to the Inspectors decision and the comments raised by County Highways it is reasonable to include the two conditions relating to areas and parking and storage of materials relating to the development, and the details of hard surfacing within an approval of this application. The Inspector considered that the storage of materials on the site to be necessary in considering the previous objections made about the possible disruption to the adjacent public right of way. In considering the maximum parking standards identified in policy TR7 and Appendix II of the Local Plan I recommend that the site would offer sufficient off-road parking.

8.0 Conclusion

- 8.1 The proposed replacement dwelling represents a departure from the Local Plan and is, by reason of its material increase in volume, inappropriate development within the Rural Area beyond the Green Belt. Although this increase in volume is considered contrary to the Local Plan, consideration in this case is given to the approved scheme for a replacement bungalow on the site and the applicant's proposal that the new dwelling would be no more visually intrusive than that allowed by the Inspector. Considering the above, Officers therefore recommend that permission be granted.