

Agenda Item 5g

3/10/0765/FP – Demolition of existing dwelling and removal of tennis courts Erection of replacement dwelling with additional access to the south, new access drive with gated entrance and ford, landscape works, and minor alteration works to stable block Broadfield Hall, Broadfield, Throcking Herts SG9 9RD for Mr and Mrs V Raghavan

Date of Receipt: 27.04.2010 **Type:** Full - Minor

Parish: COTTERED

Ward: MUNDENS AND COTTERED

RECOMMENDATION

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

1. Three Year time Limit (1T12)
2. Archaeological work (2E02)
3. Levels (2E05)
4. Boundary walls and fences (2E07)
5. Samples of materials(2E12)
6. Withdrawal of P.D. (Part 1 Class A)(2E20)
7. Withdrawal of P.D. (Part1 Class E)(2E22)
8. Lighting details (2E27)
9. Materials arising from demolition (2E32)
10. New Doors and windows unlisted buildings (2E34)
11. Sample brickwork panel- unlisted buildings (2E35)
12. Bats and newts (2E41) adapt to meet H.B.R.C recommendations
13. Completion of roads (3V13) adapt to relate to new access drive
14. Gates / carriageway (3V14)
15. Hard surfacing (3V21)' including terraces'
16. Construction parking and storage (3V22)

17. Tree retention and protection (4P05)
18. Tree and natural feature protection (4P07)
19. Landscape design proposals (4P12)
20. Landscape works implementation (4P13)
21. Construction hours of working – plant & machinery (6N07)

Directives

1. Other legislation (01OL)
2. Ownership (02OW)
3. Listed building advice (25LB)

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, HSG7, HSG8, ENV1, ENV11, ENV16, ENV19, BH1 and policy HE10 of PPS5.

_____ (076510FP.SD)

1.0 Background

- 1.1 The application site is shown on the attached OS extract and is situated within an open rural landscape within the Rural Area beyond the Green Belt and is also designated as an Area of Archaeological Significance.
- 1.2 The site is surrounded by open farmland with areas of meadow, pasture and woodland with extensive open views across rural countryside. Located between the Great Wood to the east and Foxholes Wood to the south west, with a backdrop of farmhouses, farm cottages situated within the locality with most aspects including areas of woodland as visual interruptions
- 1.3 The application site is situated in a slightly elevated position surrounded by a parkland setting of mature trees, coppiced hazel and stream fed ponds. To the north of the application site is Broadfield Hall Farm a Grade II listed farmhouse with curtilage buildings. This abuts the rear of the Grade II* Listed stable block within the application site. The significant 'Hawksmoor

(1661-1736) style' façade of the stable built for the then owner James Forrester.

- 1.4 The main dwelling Broadfield Hall is approached by a driveway from the west leading past the brick entrance piers, historic walled garden and remnants of the moat, to a modern paved courtyard with the Grade II* listed stable block sited to the northern aspect facing south across the courtyard to the main two storey extended residential dwelling built in 1939 with a modern garage block with ancillary annex situated on the eastern side of the courtyard.
- 1.5 This application proposes the demolition of the existing 1939 two storey house and garage block/ annex, removal of the tennis courts from the eastern aspect of the grounds and the subsequent replacement of the existing main dwelling to a position further to the south, on the site of the original 1689 Manor House with an architect, historically designed two storey mansion with basement, internal swimming pool, roof penthouse, additional access to the south, as a tree lined drive from the brick piers and ornate metal gated entrance from the private drive over a constructed ford crossing over an existing stream with landscaping works on approach to the new dwelling.
- 1.6 The application is referred to Committee as a departure from the Local Plan.

2.0 Site History

- 2.1 The site of 0.75 hectares has a distinct history with reference found relating to a medieval deer park, locally listed registered park and gardens with moated manor house. The existing house is not the historic Broadfield Hall but a dwelling located on part of the footprint of the 17th century and 19th century manor houses erected in 1939, its position located substantially closer to the Grade II* listed stable block than the original historic houses on the site.
- 2.2 The stable block was believed from records to have been constructed in 1696 in the style of Nicholas Hawksmoor, Historically the 1690's manor house and its 1650's predecessor were built further to the southeast of the stable block, than the present house being a full three storey, 7 bay mansion with basement/cellars and attic rooms in the roof with dormers.
- 2.3 In the 1690's the manor house was occupied until the death of Richard Forester French in 1843 and fell into disrepair eventually being pulled down in 1870 with a new smaller hall constructed on the site in 1882 of a similar style and design in stone and vernacular brick. This Broadfield hall was

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burnt down in 1938/39 and a new house built shortly after in a 1930's institutional style sited to the west of the 17th century and 19th century successors, which altered the setting of the Stable Block.

2.4	3/81/0688/FP	Change of use of outbuildings to residential	Approved 05-Aug-1981
	3/89/0238/LB	Construction of single storey extension to northern end of house	Approved 26-Jun-1989
	3/89/0237/FP	Single storey extension to house reconstruction of lantern on dovecote, replacement of the windows in house	Approved 26- Jun-1989
	3/89/1359/LB	Demolish and re-build single storey back extension	Approved 15-Sept-1989
	3/91/0607/FP	Erection of 7 illuminated lamp standards to driveway	Approved 14-Aug-1991
	3/94/1239/LB	Remedial works to roof structure, new staircase doors, windows, conversion of stables/ garage to living accommodation with gallery, stairs, dormers	Approved 30-Nov-1994
	3/94/1238/FP	Enlargement of existing dwelling by conversion of stables/ garage	Approved 30-Nov-1994
	3/96/1598/FP	Extensions and alterations to house. Conversion, extension to bungalow for ancillary leisure accommodation	Approved 07-Feb-1997
	3/98/1302/FP	Conversion/ repair of outbuilding to domestic garage and gym linked to house	Approved 05-Oct-1998
	3/08/0155/FP	Extension to conservatory	Approved 03-Apr-2008

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3/09/1987/FP	Demolition of existing dwelling Erection of replacement dwelling with access to south, drive, landscaping, alterations to stables	Withdrawn by applicant 24-Feb-2009
3/09/2000/LB	Alteration and refurbishment of Grade II* stable block	Withdrawn by applicant 24-Feb-2009
3/10/0770/LB	Alteration and refurbishment of existing Grade II* Stable Block	Approved 18-Jun-2010

2.5 The two applications submitted in 2009 under ref: 3/09/1987/FP for a replacement dwelling and ref: 3/09/2000/LB for the alterations to and restoration of the stable block, were withdrawn, following the objections from English Heritage regarding the design, size and scale of the proposed replacement dwelling and the scale of alterations and level of removal of historic fabric proposed for the alterations to the stable block. Although it is noted, there were no objections from English Heritage to the principle of the replacement dwelling in the interests of enhancing and preserving the setting of the Grade II* listed stable building in proximity to the proposed new dwelling. The subsequent amended proposal for the listed building consent application was granted listed building consent in June of this year subject to conditions.

3.0 Consultation Responses

3.1 Archaeology comment on the significance and importance of the Archaeology on the site and surrounding area where Broadfield Hall is believed to be a successor to earlier medieval manorial buildings mentioned in the Domesday Book in 1086. Including a medieval deer park, documented in 1297 with documentary reference to the infilling of the 'old moat' in 1690 as part of the 17th century house construction. There are timber buildings dating from late 13th century and early 14th century, one identified as a church with a cemetery of 50-100 graves in the vicinity. Much of this has been ploughed over, although the site is notable for the surviving parkland and garden features identified on 18th century and 19th century maps of the estate. Accordingly an appropriately worded condition is recommended to carry out a programme of archaeological works.

3.2 Environment Agency initially raised flood risk objections to the previous proposal ref: 3/09/1987/FP which was withdrawn. Subsequent additional information has been provided by the applicants for whom the Environment Agency removes their previous objections from a flood risk perspective. They advise however that the applicant will need consent for any proposed

works or structures, in under, over or within 8 metres of the top of the bank of the main river.

- 3.3 Highways do not wish to restrict the grant of permission subject to conditions for construction hours.
- 3.4 Conservation Section comment that the combination of an awkward layout and uninspired internal features makes the present building of little architectural and aesthetic integrity. It is accepted that the demolition of the existing house conflicts with the principle of avoiding consumption of building materials and energy from the construction of the replacement dwelling (PPS5, HE1.1), however as explained in the Design and Access Statement the existing building is of poor quality materials and construction and could not be easily improved to meet high standards of thermal efficiency. The key aspect of the existing Hall is its position, which has a detrimental impact on the setting of the Grade II* Stables, a heritage asset of considerable significance. By standing in very close proximity it distorts the original relationship between the two buildings, restricts the views and inhibits the full appreciation of the views and setting of the stables.
- 3.5 The new proposal will enhance the significance of the existing landscape, with a tree lined avenue with historically designed ornate gated entrance to the southwest of the house as recorded in the 1776 estate plan, the ha-ha is repaired and a new stone ford built on the stream that crosses the site on the new approach to the house. This will lead visitors from the south through the picturesque parkland alluding to the avenue of the 18th century Broadfield Hall gardens, leaving the present access to revert to the historical service access.
- 3.6 In summary the Hall is of no great architectural interest, is built of low quality materials and its setting, including the modern paved courtyard, fountain and modern garage block materially harm the setting of the Grade II* listed stables which is a heritage asset of great significance, relating poorly to the surrounding historic landscape. There are no objections to the demolition.
- 3.7 The proposed replacement house takes its cue from the architectural heritage of the site, incorporating modern elements and not overshadowing the architecture of the stables, restoring the historically accurate distance between the two buildings, enhancing the setting of the Grade II* listed stables. The new house takes advantage of views, sits well within the historic gardens, which will be returned to their former glory. In addition the the construction of the new house will be linked to repairs and restoration of the Grade II* listed stables as an ancillary building. The proposed repairs to the stable block securing the long-term future for this important heritage

asset.

- 3.8 Environmental Health raises no objection subject to conditions on construction hours, air quality and soil decontamination.
- 3.9 Herts Biological Records Centre commented initially on 24 May 2010 that there was a lack of information, submitted with the application, to enable a judgement to be made on the presence or absence of bats and great crested newts on the site and as such they recommended that the application be refused. However subject to further information submitted, including bat surveys, conducted on 16th and 21st June 2010, H.B.R.C commented on 12 July 2010 that the details were acceptable and a licence will be required from Natural England for the exclusion of bats, commenting that the mitigation strategy and recommendations should be complied with if planning permission is granted. However, the great crested newt survey was undertaken in late June 2010 and as a result of this, insufficient data on the numbers of GCN present was collected. Further GCN surveys will need to be conducted in April – May of 2011, such that the start of development will have to be delayed until these surveys have been carried out and a licence application has been approved subject to conditions, relating to the pond surveys, EPS licences and the Mitigation Strategy dated 5th July 2010 forming the basis of a legally binding agreement between the applicant and the LPA.
- 3.10 Natural England welcomes the submission of the ecological survey and recommends that the Planning Authority consult with their ecologists for advice with regards to the results of the survey and the appropriateness of the mitigation proposed.
- 3.11 Herts and Middlesex Wildlife Trust comment that there is insufficient evidence in the June 2009 survey for newts to determine the application and further surveys for the presence of great crested newts is required. However, in light of the recommendation from H.B.R.C who recommend a suitably worded condition can be attached to a grant of permission to secure the further surveys in April- May 2011 as the presence of great crested newts is accepted in the initial June 2009 survey and the ponds are not being destroyed or removed as part of the application. The Trust supports the view of Herts Biological Records Centres suitably worded conditions.
- 3.12 English Heritage wrote on 20 April 2010, that advice in response to the first application was that listed building consent should not be granted for the works to the stables unless the proposals for this building were amended. This has now been done. While still considering the design of the proposed house questionable we would not advise that planning permission for its constructed should be refused

4.0 Parish Council Representations

4.1 Cottered Parish Council wish to oppose this planning application as it does not comply with policies HSG8 or GBC3 in volume or appearance and they believe that the existing structure is more suitable than the building proposed.

5.0 Other Representations

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

5.2 One letter of representation has been received from Broadfield Hall Farm commenting that they can see no justification for demolition as the Hall is not of poor appearance or construction, the proposed replacement building is substantially larger in above ground volume by 30% and its height would be more intrusive and adversely impact on the amenity of our adjoining property by visual impact and encroaching our privacy.

6.0 Policy

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

- GBC3 Appropriate development in the Rural Area beyond the Green Belt
- HSG7 Replacement dwellings and infill Housing Development
- HSG8 Replacement dwellings in the Green Belt and the Rural Area beyond the Green Belt.
- ENV1 Design and Environmental Quality
- ENV11 Protection of existing Hedgerows and Trees
- ENV16 Protected Species
- ENV19 Development in Areas Liable to Flood
- BH1 Archaeology and New Development

6.2 In addition to the above it is considered that policy HE10 (Development affecting the Setting of a Designated Heritage Asset) of Planning Policy Statement 5, (Planning for the Historic Environment), PPS7 (Sustainable Development in Rural Areas) and PPS9 (Biodiversity and Geological Conservation) are a material consideration within this application.

7.0 Considerations

Principle of development

7.1 The main considerations in this case relate to the principle of development

and the impact of the replacement dwelling in terms of siting, scale, volume and design on the character and appearance of the area, the openness of the rural locality and the setting of the Grade II* listed stables building, historic park and gardens.

- 7.2 The site lies within the Rural Area beyond the Green Belt wherein inappropriate development will not be permitted. Policy GBC3 (d) includes as appropriate development 'replacement dwellings in accordance with policy HSG8.
- 7.3 Under policy HSG8 proposals for a replacement dwelling in the Rural Area beyond the Green Belt, in circumstances where the original dwelling is of poor appearance or construction not capable of retention and not contributing to the character and appearance of the surroundings will be considered against relevant criteria of this policy and policy HSG7.
- 7.4 In this instance as the site is not located within one of the six main settlements listed in policy SD2 or a Category 1 and 2 Village, policy HSG7 is not a relevant consideration.
- 7.5 In relation to the principles of policy HSG8, it is the Officer's opinion, and Conservation Officer's opinion that the proposed demolition of the existing unremarkable and heavily extended dwelling on the site is supportable as the dwelling does not contribute to the character and appearance of the historic surroundings, failing by reason of its poor siting and construction in 1939, closer to the stable building, to respect the very significance heritage asset of the Listed Grade II* Stables and its setting located to the west of the dwelling across a modern unsympathetic paved courtyard with fountain.
- 7.6 Under criteria a) the dwelling to be replaced has a lawful residential use in accordance with the provisions of the policy, although the property has been vacant for some period. Criteria b) requires that the volume of the new dwelling proposed is not materially larger than the dwelling to be replaced, plus any unexpended permitted development rights excluding separate buildings.
- 7.7 The existing dwelling and the attached ancillary buildings constitute approximately 593.47sqm of footprint which equates to an above ground volume of 2982 cubic metres, as there is no existing basement floorspace. The site and dwelling has the potential to fulfil the rest either of the extant unimplemented planning approvals (3/96/1598/FP and 3/98/1302/FP) for further ancillary development including an enclosed swimming pool. This would, including any permitted development rights equate to a footprint of approximately 1112sqm (with an above ground volume of 5852cubic metres) a 96% increase over the existing property, and substantially more

- than a 160% increase over the original dwelling first constructed in 1939.
- 7.8 The proposed replacement dwelling, re-sited some 9.0m further away from the Grade II* listed stables would occupy a footprint area of 741sqm for the dwelling, an above ground volume of 3,829 cubic metres, with 2,445 cubic metres introduced as below ground basement development.
- 7.9 The above ground floorspace of the existing dwelling is 761sqm, the proposed above ground floorspace of the proposed replacement dwelling would be 788sqm.
- 7.10 The above ground volume is about 24% greater than the existing dwelling but is significantly smaller than that which could be provided through the implementation of the extant planning permissions. Overall the total volume increase is 7%, significantly less than that which could be provided by the unimplemented approvals.
- 7.11 There is the material consideration of the increase of floorspace provided by the development of the basement level where the development is below ground which amounts to a 40% increase. However, such an increase below ground has enabled the reduction above ground and one would need to balance this in principle against the limited impact the basement development, including the swimming pool under the terrace would have if any, on the character and appearance or openness of the rural locality and historic parkland setting when it is effectively hidden from view. In this instance, the Officer's opinion is that the increase in the basement development and its lack of impact on the surrounding rural locality is offset by the benefits of reducing the level of volume of the above ground development.
- 7.12 Notwithstanding this material increase in the volume of the proposed replacement dwelling, contrary to the provisions of policy HSG8 (b), the Officer's are of the opinion that the harm associated with the proposed development would not be of such an extent when weighed against other materials consideration as to warrant refusal of the application, as will be discussed further in the report.

Impact on surrounding historic character and appearance

- 7.13 In assessing the impact of the replacement dwelling, the provision of the new building would be sited a further 9m from the listed stables to respect the setting and integrity of this very significant heritage asset Grade II* listed stable building with 'Hawksmoor style' façade, sited on part of the original footprint location of the 1690 manor house restoring the aspect of the historical setting. The proportions of the new house (18.5m x 20.6m), rather than replicating the linear character of the dwelling built in 1939 at

(12.m x 33.0m), the new house mirrors the stable block complimenting its depth, width and architectural detailing in a sympathetic design and layout which respects enhances and preserves the setting of the Grade II* listed stables.

- 7.14 The positive impact and visual enhancement that the replacement dwelling designed as a historic building, to compliment the 'Hawksmoor' style façade of the stables, would have on the historic parkland, gardens, historic features and rural setting cannot be disregarded. The building also would constitute a restoration of other elements of the historic setting of the locality with the restoration of a southern access to the site with tree lined avenue and ford, of a status commensurate with the significance of the stables.
- 7.15 The replacement dwelling would be no more intrusive than the dwelling it replaces, as a substantial volume of ancillary buildings/ structures are removed, in compliance with HSG8 (c), public views from the south are at a significant distance and would view a significantly narrower dwelling. Whilst slightly taller overall than the existing, it is set in a mature landscape where it would not appear out of keeping or intrusive, nor detract from the rural landscape. The increase in the height being offset by the reduction in width of development across the site of modern building from that relates so poorly to the architectural vernacular materials architectural detailing and form of the Listed Stables.
- 7.16 There is no loss of landscape features, the dwelling sited so as to not appear obtrusive complimenting the character and appearance of distinctive built environment.
- 7.17 In summary while the existing dwelling is sound and not of poor appearance it is of unremarkable appearance, of little historic value and in conservation terms there is no sustainable objection to its demolition, in proximity to the other surviving historic elements and feature on the site, there are no adverse impacts and the replacement dwelling is justifiable, re-establishing the historic aspect and relationship of a historic country house and adjacent notable stables. A rare opportunity to restore an element of the historic relationship that has sufficient merit to overcome the departure from policy HSG8 (b) as regards the increased volume by reason of the other materials benefits that outweigh the limited harm to the rural locality.

Highways matters

- 7.18 There are no objections from highways.

Other matters

- 7.19 With regards to protected species, there is evidence of both bats in the locality, house and surrounding landscape, with great crested newts in the stream and ponds within the curtilage of the 0.75hectare site. As such policy ENV16 and the provisions of PPS9 which apply requires that surveys are carried out at an appropriate time of the year and any mitigation strategy and recommendations set out are fully complied with.
- 7.20 In this instance the details for the mitigation and protection for bats has been fulfilled subject to appropriate conditions.
- 7.21 As regards the great crested newts, further surveys will need to be carried out at the appropriate time, between April and May of 2011, and the mitigation strategy with recommendations derived from the surveys will need to be complied with prior to the proposed development of the site. Although this event is set in the future, it is not considered necessary or justifiable to refuse the application in light of the attachment of a suitably worded condition.

Conditions

- 7.22 The proposed plans indicate materials of construction which, in the Officers opinion to a degree appear appropriate, however in the context of such an historic design there is a need to provide high quality materials both on the building but on the surrounding terraces, and the treatment of the surrounding landscape. Therefore it is considered reasonable to require conditions for samples of materials, hard surfacing materials, fenestration details , door details and landscape design proposals, with additional none standard conditions for the requirement to carry out appropriate surveys, mitigation strategy and recommendations for protected species identified on the site.
- 7.23 In this case the withdrawal of P.D rights is considered to be justified given the requirement to ensure any additional development is appropriate in relation to the design and layout of the site.

8.0 Conclusion

- 8.1 The proposed development represents a departure from the Local Plan as the dwelling is neither or poor construction or appearance and due to the volume of the new house it represents a development which fails the requirements of criteria b) of policy HSG8.

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- 8.2 However, the harm associated with the development is not of such significance as to adversely impact on the rural locality, the character and appearance of the adjacent listed building, its setting, the park and gardens or the surrounding countryside.
- 8.3 Indeed the positive benefits to the important historic rural location, the Grade II* listed stables, the historic setting of the stables, the walled garden, moat and medieval heritage are such as to provide supporting material considerations that justify the grant of planning permission contrary to policy HSG8 of the Local Plan.
- 8.4 Therefore having regard to the considerations outlined above. Officers recommend that permission be granted subject to conditions as set out in the report.

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