

5a 3/11/1801/FP – Erection of 2 no. 4 bedroom houses and 1 no. 2 bedroom affordable home together with access and parking at Land adjacent to Home Farm, Chapel Lane, Little Hadham, SG11 2AB for Croft Group Ltd

Date of Receipt: 24.10.2011

Type: Full – Minor

Parish: LITTLE HADHAM

Ward: LITTLE HADHAM

RECOMMENDATION:

That planning permission be **REFUSED** for the reasons:

1. The application site lies within the Rural Area beyond the Green Belt as defined in the East Hertfordshire Local Plan wherein there is a presumption against development other than that required for agriculture, forestry, small scale local community facilities, limited infill development in Category 2 Villages or other uses appropriate to a rural area. The proposed development would be prejudicial to this policy, set out at policies GBC2 & GBC3 within the East Herts Local Plan Review April 2007 and would be harmful to the open rural character and appearance of the area.
2. The proposed development would result in the loss of a significant open space which is important to the form and setting of the village's Conservation Area and would block important open views in the surrounding area. As such, it would be harmful to the character and appearance of the Conservation Area and be contrary to policy BH6 of the East Herts local Plan Second Review April 2007.

_____ (180111FP.EA)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract, and is located to the north of Chapel Lane, Hadham Ford. The boundary of the site to Chapel Lane is formed by a substantial hedgerow, and there is a level difference between the site and the highway, with the application site being approximately 2-3 metres higher than the highway. The application site is currently a grassed open site. The land falls away from west to east, and rises slightly from the south to the north. The site is bounded to the east by two existing residential dwellings and to the west by two converted barns known as The Granary and Grove Barn which previously formed part of the agricultural farmstead known as Home Farm. To both the north and south of the site (on the opposite side of the

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Chapel Lane), there are open fields.

- 1.2 The application seeks permission for the erection of 2 no. 4 bedroom houses and 1 no. 2 bedroom affordable home together with access and parking. The dwellings are proposed to be set back some 30 metres from the boundary of the site with Chapel Lane with an access road and parking set to the front of them. Access to the site is proposed to be provided via the existing access to the adjacent properties known as The Granary and Grove Barn.
- 1.3 This application has been brought to the committee at the request of Councillor Tindale.

2.0 Site History:

- 2.1 An application was received in May 2011 (ref. 3/11/0930/FP) for the erection of 2 no. 4 bedroom houses with garages and 1 no. 3 bedroom house at the site. This application was withdrawn by the applicant prior to its determination.

3.0 Consultation Responses:

- 3.1 The Council's Engineer has commented that the site is situated within flood zone 1 and there are no historic flood incidents recorded for the site. They state that the development appears to show a net increase in the amount of impermeable areas being created with consequent increase in the risk of associated flooding to the surrounding areas and residences and potential increase within the development. They therefore recommend that the development should make use of above ground SUDs such as retention/detention ponds and swales as these will provide amenity value. It is not recommended that the SUDs consist of any below ground SUDs such as soakaways as this would not necessarily give any enhancements to amenity value and are more problematic to operate. Additionally they state that green roofs and harvesting water butts, etc. could be utilised on and around the structures.
- 3.2 County Highways have commented that the scheme is acceptable in a highway context. They state that the scheme proposes the use of an existing access, adequate in terms of width, alignment and visibility provision to accommodate the traffic likely to be generated. Appropriate parking and vehicle turning space is indicated on the submitted plan. They therefore do not wish to restrict the grant of permission subject to a condition relating to the provision of on-site vehicle parking and turning area and arrangements for surface water from the site to be intercepted

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and disposed of so that it does not discharge into the highway.

- 3.3 Herts Biological Records Centre has confirmed that they will not be commenting on the application.
- 3.4 The Council's Housing Development Manager notes that the application provides 1 affordable unit on the site which is in line with the New Affordable Homes Commissioning Brief. They note that the applicant has had discussions with a Registered Provider which is welcomed, and the Housing Development Manager would like clarity that the dwelling would be provided as a rental unit.
- 3.5 The Environment Agency have no objections to the application subject to conditions relating to the submission of a scheme to dispose of foul and surface water and a survey and a plan for the protection of White Clawed Crayfish which have been known to be down stream of the River Ash and may therefore be present in the pond adjacent to the site.
- 3.6 The Conservation Officer recommends refusal of the application. The Officer comments that the site, located west of the concentration of development within Little Hadham, which traditionally fronts the main thoroughfare running on a north – south orientation which dissects the village, from which Chapel Lane is accessed. The character of the Conservation Area is denoted by the aforementioned cluster of development around the principal route, relief of which is provided by the open section of land (subject to this proposal) which provides views across the traditional agricultural landscape, which makes a positive contribution to the character and appearance of Little Hadham. Further along Chapel Lane development is limited consisting of farm houses and associated agricultural buildings, peppered within the wider landscape which continues to address the highway.

The Officer comments that in identifying the significance of Little Hadham's Conservation Area the use and function of the land through its natural built evolution is considered key, particularly when assessing the impact new development would have on the historic and aesthetic significance of the immediate and wider conservation area.

In considering the revised location, alignment and design of the three dwellings against the existing character and appearance of the Conservation Area, the Officer has the following concerns regarding the impact the development would have on the character of the immediate and wider Conservation Area, namely;

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- and most importantly; development of the land which provides a significant open space within the Conservation Area, as the open space indicates a clear separation between the core of the village and its wider agricultural tradition. Its infill would therefore have a detrimental impact on the historic legibility of the village's built form and as such interpretation;
- The alignment of the buildings continue to be set back from the highway; an alignment which fails to recognise the existing residential pattern, which is considered to make an important contribution to the character of the immediate and wider area.
- It is acknowledged that the roof profile of plot one has altered to a gable end and plot three has changed orientation, in that it is now aligned with plots 1 & 2, amendments which unfortunately don't overcome the wider contribution the land makes to the character and appearance of the area.

In summary the Conservation Officer states, the alignment, design and most importantly location of the proposed three dwellings is considered to have a detrimental impact on the immediate and wider architectural and historic character and appearance of the Conservation Area.

3.7 The Council's Landscape Officer recommends refusal of the application.

They comment that Home Farm is separated from Hadham Ford by the agricultural field comprising the development site. Although originally a stand alone and isolated farm (albeit by a short distance from Hadham Ford) the cluster of farm buildings and barns has been added to by a number of dwellings including the conversion of the Granary. Nevertheless in landscape terms and context there is a distinct and defined edge to the settlement of Hadham Ford which is maintained by the agricultural field – the proposed development site. The fact that the applicant argues the case for low visual impact of the development being screened from Chapel Lane by the roadside hedgerow does not mitigate for the coalition of the settlement of Hadham Ford with the hitherto segregated cluster of buildings associated with Home Farm i.e. The Granary, Grove Barn and Foxearth.

The proposed development therefore is a significant divergence from the historic grain and pattern of development and will have a significant negative impact on the local distinctiveness of and landscape character surrounding this part of Hadham Ford settlement proper.

In landscape terms the Officer comments that this cannot reasonably be described as an infill development but is more realistically described as a ribbon development resulting in the coalition of the settlement of Little Hadham with the previously isolated character of Home Farm and its

associated structures and buildings.

They go on to comment that Policy OSV2 refers to development within the built up area of the village and not to expansion of the outskirts of the village – particularly where this is to collide with agricultural and farming activities – the loss of segregation between which will appear incongruous in the landscape when compared with the existing status quo and arrangement of buildings with their associated land use

- 3.8 Environmental Health has commented that any permission given should include conditions relating to dust, bonfires, soil decontamination and piling works.

4.0 Parish Council Representations:

- 4.1 Little Hadham Parish Council objects to the application commenting that they have serious reservations in relation to the development of this area. They understand that the land is considered within the Rural Area beyond the Green Belt; it is recognised agricultural land and that although this is a Category 2 area, in filling in this instance would be wrong. They feel that the land forms a very important gap within the hamlet of The Ford and that the proposed development would have a detrimental impact on the character of the countryside in this sensitive Conservation Area. They also consider that the bulk and position of the proposed development would be unacceptable in terms of interruption of privacy to neighbouring properties that have enjoyed relative seclusion to date. They do not consider that the proposed development would be as invisible as suggested in the Design and Access report and many residents have expressed a very important point that should the development go ahead “views of the area would be changed forever and not at all for the better”. They request that East Herts Council carefully consider the detrimental implications such a development would have on the openness of this part of the hamlet of The Ford and on the village of Little Hadham as a whole and trusts that permission is refused.

5.0 Other Representations:

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.
- 5.2 8 letters of representation have been received which can be summarised as follows:
- The mix of housing types proposed is not what is required by the Village;

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- The development would fill a very important gap between the edge of the Village and Home Farm and as such does not qualify as infill development;
- The development would detract from the Conservation Area;
- The site is clearly visible from Chapel Lane just west of the site entrance and there are clear long distance views from the bridle path to the south and as well as from footpaths on high ground east of The Ford;
- The proposed affordable dwelling will have a considerable overbearing effect on Little Sparrows which is set down at a much lower level, and would overlook and cause a loss of privacy to that property and a loss of sunlight to the rear garden of the property;
- The application would spoil the area and would open the floodgates for more housing to be built in the area and would ruin the ambience of the village;
- Modern built properties would not be in keeping with the area;
- The country lane would become too hectic and ruin the area;
- The proposed development would be outside of the village boundary;
- There may be possible additional drainage problems due to the concreting over of the proposed development area, which floods every year due to the natural fall of the land;
- The development would result in pollution from traffic emissions of vehicles turning within the site;
- This application would be used as a precedent;
- If permission is granted more of the rural quality of Little Hadham would be lost;
- The developer states that the Little Hadham Primary School may benefit from new intake, however there is no guarantee that the occupiers would send their children to this school and this should not be a valid reason for granting permission;
- Retention of the hedgerow along the site frontage to Chapel Lane could not be guaranteed;
- The submitted location plan and block plan should include the land required to achieve vehicular and pedestrian access to the site;
- The application would be contrary to policies GBC2, GBC3 and OSV2 of the Local Plan and the application site is not within the Category 2 Village of Hadham Ford;
- The Council served an Enforcement Notice against a material change of use relating to the plot of land between The Granary and the application site with the reason for issuing the notice being that the site lies within the Rural Area beyond the Green Belt, wherein there is a presumption against the construction of new buildings or

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for changes of use, except for certain specified purposes – it therefore follows that the application site must be considered to be in the Rural Area and not in the Category 2 Village;

- Two 4 bedroom dwellings cannot be described as ‘small dwellings’;
- The development would change the character and appearance of the locality;
- Implementation of the proposed development would create ribbon development along Chapel Lane;
- The access to the site is over a stretch of private land not within the ownership of the applicant;
- The development would have a detrimental amenity impact on and loss of privacy for the neighbouring residences – Grove Barn, The Granary, Hunters and Little Sparrows and there would be a loss of outlook;
- Grove Barn and The Granary which are listed buildings would no longer be visible in the same way they are today from the far side of Hadham Ford;
- The development would constitute overdevelopment due to the density of the layout;
- The access is unsafe due to poor visibility to the west;
- The proposed access to the site would put an existing willow tree at risk;
- Village boundaries are depicted on roads by changes to the speed limit signs.

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 |
| TR7 | Car Parking - Standards |
| ENV1 | Design and Environmental Quality |
| ENV2 | Landscaping |
| ENV11 | Protection of Existing Hedgerows and Trees |
| BH6 | New Developments in Conservation Areas |
| OSV2 | Category 2 Villages |

7.0 Considerations:

7.1 The determining issues in relation to this application are:

- The principle of development and whether the site is located within the

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built up area of the Category 2 settlement of Hadham Ford and constitutes infill housing development;

- Impact of the development on neighbour amenity;
- Other matters.

Principle of development

- 7.2 Hadham Ford is designated as a Category 2 Village in the Local Plan, wherein Policy OSV2 allows, within the built up area of the village for infill housing development subject to compliance with the remaining criteria in the Policy. Hadham Ford forms a settlement that is largely clustered around the highway that runs from south to north. The proposal site is situated to the west of the main settlement of the village and currently forms a significant gap between established residential properties and what would have originally been agricultural buildings. There is currently a gap of some 60 metres between the boundary of the property known as Hunters and the access to The Granary and Grove Barn to the west. On the opposite side of the road there is some 76 metres between Ford Field and the boundary of the property known as Foxearth.
- 7.3 Within the Local Plan guidance is given on the definition of infill development. It states that infill development is the erection of up to five small dwellings on a site within the built up area of the village, where such development can take place without damage to the character or appearance of the locality. It goes on to state that infill development does not constitute the linking of two separate built-up areas within a settlement, separated by a significant gap, or the consolidation of an isolated group of buildings. Officers consider that the application site forms a significant gap between existing dwellings and would result in the consolidation of the existing buildings to the west of the application site within the existing settlement. It is therefore considered that the site is outside of the built up area of Hadham Ford and therefore fails part (II) of Policy OSV2. As the site is not considered to be within the built up area of the Category 2 Village then infill housing development would not be appropriate in principle at this site and would form inappropriate development within the Rural Area beyond the Green Belt and would be contrary to policy GBC3 of the Local Plan.
- 7.4 Should it be considered however that the site is within the built up area of Hadham Ford then the remainder of policy OSV2 expects that (g) the site does not represent a significant open space or gap important to the form and/or setting of the settlement; (h) the proposal would not unacceptably block important views or vistas within the village or of open countryside beyond the village; (j) the proposal is sensitively designed, respecting the character, visual qualities and landscape of,

and is satisfactorily integrated into the village.

- 7.5 With regards to part (g) Officers consider that the site currently forms a significant gap that is important to the form and setting of the settlement and furthermore is also important to the character of the Conservation Area, contrary to policies OSV2 and BH6. By infilling a significant and important gap, the proposed development would block existing open views from the north and south of Chapel Lane, which are considered to be important to the character of the village and that of the Conservation Area contrary to part (h) of policy OSV2 and policy BH6. Furthermore, it is considered that the proposal site is not satisfactorily integrated into the village and due to the significant gap that the site forms would fail to respect the visual qualities and landscape. The proposal would therefore also be contrary to part (j) of policy OSV2.
- 7.6 The applicant argues that the application site is within the built up area, is an appropriately sized gap, and represents one of the few if not the only site within the village where infill development could be provided in accordance with the allocation and designation set out in the Local Plan. They consider that the site does not represent a significant open space or gap importance to the form/setting of the village and that the proposal would not block important views or vistas into or out of the village. However for the reasons outlined above and taking into account the objections from the Council's Conservation and Landscape Officers it is considered that the proposal would be contrary to policy OSV2 of the Local Plan and consequently policy GBC3.
- 7.7 Whilst not a determining consideration in relation to this application, it must be considered that if permission were granted for development on this site, it could lead to further residential development on other similar sites which cumulatively would significantly change the character and appearance of the settlement. The concerns of local residents in respect of the issue of precedent are noted.
- 7.8 It is noted that the application proposes that one of the dwellings would be an affordable unit. In this respect the application accords with policy HSG3 of the Local Plan. Whilst the provision of an affordable unit would be welcome, it is considered that in this case it does not override the other planning considerations.

Impact on neighbour amenity

- 7.9 The siting of the proposed dwellings has been amended in comparison to the siting proposed in the earlier application (ref. 3/11/0930/FP), and plots 2 and 3 are now sited further within the site (to the north). In

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respect of the relationship of the development to the existing dwellings to the east of the site, namely Hunters and Little Sparrows, it is considered that the proposed development would not have a significant harmful impact on the amenities of the occupiers of these dwellings to warrant refusal of the application. Plot 3 has now been moved away from the boundary with Hunters and is now sited some 20 metres from the rear of this property. The submitted plans indicate that some additional landscaping is proposed along this boundary which would further screen the development when viewed from the rear of Hunters. Taking into account the distance between these properties it is considered that the proposal would not result in any significant harm in terms of overlooking, loss of light, overbearing impact or impact on outlook to warrant refusal of the application.

- 7.10 As a consequence of the re-siting of plot 3, it has now been moved closer to the existing property known as Little Sparrows. However, there would be some 20 metres between the properties, and taking into account their orientation and the existence of mature landscaping along the boundary of the site with Little Sparrows, Officers consider that the proposal would again not result in any significant harm in terms of overlooking, loss of light, overbearing impact or impact on outlook to warrant refusal of the application.
- 7.11 Taking into account the distance between the properties to the west, namely The Granary and Grove Barn, and the application site and the changes in levels it is considered that the proposal would not result in any significant harm to the amenities of the occupiers of those properties.

Other matters

- 7.12 Although Officers do not consider that the principal of development is acceptable on this site, it is still necessary to consider the acceptability of the design of the proposed dwellings. The size, style, design and appearance of dwellings within Hadham Ford does vary, however there are a number of older and listed properties. The application site sits between more modern properties to the east and listed barns to the west. Whilst I note the concerns of some local residents in respect of the modern design of the properties, it is Officer's opinion that the design of the dwellings proposed are acceptable in this instance and subject to the use of appropriate materials would not be out of keeping with or harmful to the character and appearance of the area.
- 7.13 It is noted that County Highways have raised no objection to the application. Officers note the concerns raised by some local residents in

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respect of the access to the site and the traffic generation in relation to proposed development. However taking into account the limited scale of the development and the comments from County Highways it is considered that the application is acceptable in a highway context. Furthermore, sufficient spacing for parking of vehicles is available within the site and the proposal is therefore considered to accord with policy TR7 of the Local Plan.

8.0 Conclusion:

- 8.1 Having regard to the above considerations, Officers do not consider that the site is within the built up area of Hadham Ford. The proposal would therefore be contrary to policy OSV2 of the Local Plan and as a consequence policy GBC3 of the Local Plan. Furthermore, the proposal would result in the loss of a significant gap that is important to the form and setting of the Conservation Area and would block existing open views in the area. As such, it would be harmful to the character and appearance of the surrounding Conservation Area and contrary to policy BH6 of the Local Plan. Notwithstanding the acceptability of the proposal in respect of the provision of an affordable unit and highway matters, these matters are not considered to be of such weight to override the in principal objection to development on this site. It is therefore recommended that planning permission be refused.