

**5d 3/12/1140/FP - New dwelling with part formed of conversion of existing stable, attached garage and parking. Land adjacent to 99 High Street, Watton at Stone, Herts SG14 3SZ for Paul Spearman**

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**Date of Receipt:** 06.07.12

**Type:** Full – Minor

**Parish:** WATTON-AT-STONE

**Ward:** WATTON-AT-STONE

**RECOMMENDATION:**

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

1. Three year time limit (1T12)
  2. Approved Plans (2E10): 1221.P01, 1221.E01
  3. External materials of construction (2E11)
  4. Withdrawal of P.D (Part1 Class A) (2E20)
  5. Withdrawal of P.D (Part1 Class E) (2E22)
  6. Withdrawal of P.D (Part1 Class B) (2E23)
  7. Retention of parking space (3V20)
  8. Tree retention and protection (4P05)
  9. Landscape design proposals (4P12)
  10. Landscape works implementation (4P13)
  11. Prior to the commencement of any above ground works, the construction of the surface and foul drainage system shall be carried out in accordance with details submitted to and approved by the Local planning Authority.
- Reason:** To prevent pollution of the water environment in accordance with policy BE9 of the East Herts Plan.
12. Vehicular use of garage 5U10
  13. Programme of archaeological work (2E02)

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**Directive:**

1. Other legislation 01OL

**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 OSV1, ENV1, ENV2, ENV9, ENV19, ENV21, HSG7, BH1, BH6) and the National Planning Policy Framework. The balance of the considerations having regard to those policies and the appeal decision under reference 3/11/0350/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. It was formerly part of the garden of the Grade II Listed Building, known as the White House, at 99 High Street and lies behind numbers 93 and 99 High Street south of the three dwellings within White House Close. In the late 1990's a large part of the original garden of 99 High Street was separated from the listed property and sub-divided to provide plots for the three detached dwellings which form White House Close to the north east of the application site (3/92/0303/FP). The site is located within the Watton at Stone Conservation Area and within the boundary of a Category 1 Village designation.
- 1.2 The plot of land subject of the application comprises an undeveloped parcel of land adjacent to 1 White House Close on the western side of the private drive that serves vehicular and pedestrian access to White House Close. To the rear of the application site, the land is open scrub with some boundary landscaping and close boarded fencing. At the front of the site is a long single storey rebuilt brick garage approximately 10.2m x 4.1m with a pitched pantile roof at a ridge height of 4.1m.
- 1.3 Abutting this modern garage is a dilapidated historic timber framed weatherboard stable; approximately 7.0m in length by 4.5m in width, part of the original front out-shoot timbers retained on the eastern elevation. The original timber frame of the structure remains intact under a pantile roof at a ridge height of 4.9m. The timber framed structure sits lower in the ground than the slab of the adjacent garage and there is evidence of

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the original plinth wall/ foundations. Both of these structures abut the fenced side boundary of the garden of No 93 High Street to the north-west.

- 1.4 The land to the rear of the site falls away beyond the tree lined western boundary down an escarpment to the River Beane. Directly on the northern boundary is the flank wall and shared boundary fence of No 1 White House Close, a detached four bedroom dwelling with front garden amenity space and a rear garden extending some 48m to the rear boundary near the River Beane below.
- 1.5 Planning permission was originally granted for the restoration and re-development of the stable on the site and the erection of a linked 2 ½ storey residential dwelling in 2005 under reference 3/04/2105/FP. The proposal was not however implemented and the permission lapsed.
- 1.6 In 2011, applications for planning permission and Listed Building consent (3/11/351/ LB and 3/11/350/FP) were submitted for a revised scheme – again proposing the erection of a new dwelling on the site, partly formed of the conversion of the existing stable. The proposal was similar to the approved 2005 scheme, but had incorporated improvements as regards the repair and restoration of the historic stable and the provision of a modest separate single storey link entrance area that separated the historic and new build elements. These applications were recommended for approval but, at the committee meeting of 25<sup>th</sup> May 2011, Members resolved to refuse both. The planning permission was refused for the following reasons:-
  1. The proposal would result in overdevelopment of the site by virtue of its unsatisfactory plot size, cramped layout, and insufficient amenity space. It would therefore be out of keeping with the established pattern and character of development in the surrounding area contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.
  2. The proposed development would be detrimental to the setting of the listed stable building by virtue of the scale and mass of the proposed development and is therefore contrary to national planning guidance in PPS5.
  3. The proposal would be detrimental to the area of the site and that part of the Watton at Stone Conservation Area by virtue of its scale and massing, and would therefore be contrary to Policy BH6 of the East Herts Local Plan Second Review April 2007.

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- 1.7 An appeal was lodged against the decision to refuse the two applications and was considered by the Planning Inspectorate in May 2012.
- 1.8 The appeal decision is attached to this report and members will note that the Inspector granted Listed Building Consent for the development but dismissed the appeal on the full planning application. It is important, however, to note the inspector's reasons for dismissing the appeal. This related solely to the fact that the submitted plans incorrectly identified the extent of the application site and, although the applicant revised those plans during the appeal process, the inspector considered that further public consultation was required in order to properly assess the impact of the amendments on number 1 White House Close.
- 1.9 In all other respects, however, the inspector found the proposed development to be acceptable. He concluded that it would have a negligible impact on the listed High Street building; would not appear over-dominant or out of scale; and would fit in with the street scene along White House Close and the surrounding Conservation Area generally. It would therefore comply with the policies of the Local Plan and with national policy in the NPPF.
- 1.10 Members should also note that the inspector held that the Council had been unreasonable in refusing the 2011 applications as there had been no material change in planning policy since the 2005 approval; improvements had been made to the scheme since then; and that the refusal reasons were generalised and could not be adequately substantiated on appeal. He therefore also made an award of costs against the Council.
- 1.11 The current application seeks permission for fundamentally the same development as previously submitted, but with minor alterations to the siting of the proposed development as a result of the revised and corrected site dimensions shown on the submitted plans (1008/E01/RevA and 1008/P01/RevC).
- 1.12 The proposal is therefore for the erection of a two storey 4/5 bedroom detached dwelling with dormer on the northern elevation for rooms in the roof. The proposed house would be of a modern design constructed in brick and weatherboard with a finished ridge height of 8.8m, with a chimney on the northwestern elevation.
- 1.13 The dwelling would be linked to the historic stable, which is to be restored and repaired as a leisure/ entertainment room with two windows

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on the southeast elevation facing the drive way of White House Close and two conservation rooflights inserted in the rear roof plane. The single storey flat roof glazed link on the eastern elevation would provide the hallway entrance of the dwelling.

1.14 Hard standing would be provided for two car parking spaces within the curtilage of the site. Limited garden amenity area is provided around the dwelling with 10 -12m being the maximum depth to the north eastern area of the curtilage.

## **2.0 Site History:**

2.1 As set out above, there is quite an extensive history of planning applications at the site which can be summarised as follows:

- 3/87/1064/FP Proposed construction of 7 single storey houses and five maisonettes together with associated parking Refused
- 3/89/1979/OP Outline application for five dwellings Refused
- 3/92/0303/FP 3 No detached dwellings Approved
- 3/93/1125/FP Plot 3 – Rear of 99 High Street new dwelling Approved
- 3/93/1255/LC Removal of section of wall at entrance demolition of garage Approved
- 3/04/2105/FP New dwelling house and parking land adjacent to 99 High Street Approved
- 3/04/2106/LC Demolition of derelict stabling Withdrawn by applicant
- 3/10/2045/FP New dwelling with part formed conversion of existing stable with attached existing garage and car parking Withdrawn by applicant
- 3/10/2046/LB New dwelling with part formed conversion of existing stable with attached existing garage and car parking Withdrawn by applicant
- 3/11/0350/FP New dwelling with part formed of conversion of existing stable with existing attached garage and parking Refused

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Appeal Dismissed 01 May 2012.

- 3/11/0351/LB New dwelling with part formed of conversion of existing stable with existing attached garage and parking Refused Appeal Allowed 1 May 2012.

### **3.0 Consultation Responses:**

- 3.1 At the time of writing this report, no comments had been received from County Highways. They did not raise any objection to the previous proposals but any representations received prior to the committee will be reported to Members at the meeting.
- 3.2 Environmental Health have made no objection in principle to the proposed development, subject to the imposition of conditions relating to hours of work, control of dust, land contamination, burning of waste and the provision of refuse disposal facilities.
- 3.3 The County Archaeologist has made no comments on this proposal but previously commented that there is the likelihood of archaeological interest on the site and any approval should be subject to a condition for a programme of archaeological monitoring, investigation and recording.
- 3.4 The Council's Landscape Officer has made no comment on this proposal but previously raised no objections to the principle of the development as it did not differ (in landscape terms) significantly from the application 3/04/2105/FP which was approved, subject to conditions for details of soft and hard landscape provision.
- 3.5 The Council's Conservation Section comments that the present application follows the recent appeal which was dismissed on grounds of the inconsistencies relating to the dimensions of the plot and survey drawings. The Council's Conservation Section's previous recommendation for refusal rested primarily on the massing and scale of the new building in relation to the curtilage listed stables.
- 3.6 The Inspector, however, was satisfied that due to 'intervening *buildings, fences vegetation and the road of White House Close* which would visually divorce the proposed house from those properties (in the High Street) the new building would not have a detrimental effect on the setting and significance of the listed Buildings lining the High Street nor would it have an adverse impact on the character of the Conservation Area.

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- 3.7 The relationship between the curtilage listed barn and a dominant new building has not therefore been deemed sufficiently harmful and, as such, taking into account the Planning Inspector's comments, there are no grounds to object to the present proposal.
- 3.8 Herts Biological Records Centre comments that there is no biological data for the site, although there is a bat roost in the church 200m away. However the existing stable is sub-optimal as a potential roost site for bats and it would be unreasonable for the LPA to request a bat survey. It is recommended that a directive for development to proceed with caution, and in the event of bats being found work should cease immediately and ecological advice taken on how to proceed lawfully.

#### **4.0 Parish Council Representations:**

- 4.1 Watton at Stone Parish Council request that the applications be determined by the Development Control Committee and have reiterated their comments on the earlier development (ref:3/11/0350/FP and 3/11/0351/LB), strongly objecting to the current application for the following reasons:
- The proposal on the restricted site results in a cramped form of development out of scale and character with the surrounding area with little amenity area.
  - It is in the conservation area and is not in keeping with the surrounding houses in White House Close
  - The height of the proposed development exceeds those in the adjacent area and would be out of keeping
  - The entrance to the development has restricted access and any increase in traffic movement onto the High Street would be dangerous.
  - The development would cause a lack of privacy and light to properties in White House Close, 93 High Street and 99 High Street.
  - The development is 6.5m from one of the adjacent properties.
  - There is insufficient parking for a 4+ bedroom dwelling, with sufficient rooms to be a 6 bedroom dwelling.
  - Surface drainage would drain into the next door garden at 93 High Street
  - The plans are deceptive, as they indicate the garage and barn are of an equal size where in fact the garage is three times longer than the barn.
- 4.2 If planning permission is granted against their recommendation, the Parish Council would want assurance that the residents of White House

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Close will be able to gain access to their properties at all times whilst construction work is undertaken.

#### **5.0 Other Representations**

- 5.1 The application has 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:
  - OSV1 Category 1 Villages
  - TR7 Car Parking - Standards
  - ENV1 Design and Environmental Quality
  - ENV2 Landscaping
  - ENV9 Withdrawal of Permitted Development Rights
  - ENV19 Development in Areas Liable to Flood
  - ENV21 Surface Water Drainage
  - HSG7 Replacement dwellings and infill Housing Development
  - BH1 Archaeology and New Development
  - BH6 New Developments in Conservation Areas
- 6.2 In addition, the National Planning Policy Framework is a relevant material consideration.

#### **7.0 Considerations:**

##### **Principle of development**

- 7.1 The application site is located within the historic central core of Watton at Stone, within a Category 1 Village, where small scale and infill housing development may be permitted in accordance with policies OSV1 and HSG7.
- 7.2 As a matter of principle, it is considered that a single unit of residential development on this site is acceptable and has been established by the approval of a very similar scheme in July 2005 under ref: 3/04/2105/FP.
- 7.3 Subsequent applications for a similar development of the site ref 3/11/0350/FP and 3/11/0351/LB were refused as set out above, but the Listed Building Consent application was allowed on appeal in May 2012

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and this, together with the comments of the appeal inspector in respect of the full planning permission, are a material consideration of significant weight in this case.

7.4 The main issues to consider in the determination of this current application therefore are:

- Conservation issues
- Acceptability of the proposal in terms of character, appearance and design
- Impact on neighbour amenity
- Access and parking

#### Conservation issues

7.5 The proposed development includes the alterations previously proposed in 2011 to improve the relationship of the listed stable building with a separate link to the new dwelling, where the original form of the stables building is retained. In officer's opinion, therefore, there is an improvement within this latest scheme insofar as the listed building is concerned, as supported by the Planning Inspector in allowing the appeal for listed Building Consent, under ref 3/11/0351/LB.

7.6 It is necessary to consider whether the proposed development is acceptable in terms of scale, size and height; its corrected siting within the plot; the provision of garden amenity area; and adequate parking provision within the curtilage of the site.

7.7 In accordance with policy, the development should preserve or enhance the character and appearance of the Conservation Area, respect the form of existing and surrounding development and not detract from the setting of the adjacent listed buildings. These considerations applied equally to the 2011 proposal and, of course, the Planning Inspector considered that scheme to be acceptable in respect of these matters.

7.8 The present proposal includes the previous reduction in the roof height of the new dwelling, with the stable retained, repaired and restored as a separate element. This was considered to be acceptable by the Planning Inspector, as it respected its historic and architectural features.

7.9 As such, officers consider that the current proposal remains acceptable in terms of its impact on the Conservation Area. Furthermore, the site is located behind the street frontage so any direct impact on the character and appearance of the street scene would be at a distance and therefore limited.

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- 7.10 The proposal makes a positive contribution to the restoration of the historic timber stable on the site, retaining the form and original timber structure original timbers. This proposal preserves the timber frame of the stable and the structure is better revealed as an individual element which respects its significance as a heritage asset.
- 7.11 This is considered to be an improvement over the original approval Ref 3/04/2105/FP and is as proposed in the previous applications 3/11/0350/FP and 3/11/0351/LB. Officers consider that, given the original permission and the comments of the Planning Inspector on the recently refused proposal, there are no justifiable reasons to object to this latest scheme, in terms of its impact on the setting of the listed building or the character and appearance of the Conservation Area.

#### Design, Character and Appearance

- 7.12 Policy ENV1 requires that a proposal for a new dwelling should demonstrate a high standard of design, which is sympathetic in terms of siting, proportion, scale, form, height, materials of construction and detailing to the adjacent buildings and the character of the area in general.
- 7.13 The proposed dwelling is of a different form and design to the surrounding dwellings in White House Close, occupying approximately 70% of the curtilage of the site. It has drawn vernacular architectural detailing from other buildings in the historic core of the village, and in terms of its design is considered to be acceptable.
- 7.14 It is accepted that the new dwelling at 8.8m to the ridge occupies a large percentage of the site, the amenity areas to the west and north being limited for a dwelling of this size. However, it is important to note that the Planning Inspector found the proposal to be acceptable in this respect, noting that it would fit in with the surrounding buildings.
- 7.15 The corrected survey details and revised plans show that the existing stable building is 0.3m closer to the private drive than had been indicated on the earlier scheme; the proposed dwelling would be 0.5m closer to the private drive fronting the site (when measured from the corner of the eastern elevation) and 0.5m closer to the boundary with No1 White House Close, when measured from the corner of the northern elevation. Officers have carefully considered these corrections and nevertheless, remain of the view that the resulting relationship between the proposed new dwelling and the surrounding houses would be an acceptable one.

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It is important to note that the appeal inspector could find no harm resulting from the previous indicated siting and Officers are of the view that the amended siting does not materially alter the scheme's impact on the surroundings nor on the amenities of the adjoining properties.

- 7.16 The parking layout provided on the site as shown in the current proposed scheme provides a larger allocated area of parking for two car parking spaces, set back between 2.5m – 3.0m from the adjacent private access road to provide the 6.0 turning circle for reversing into and out of the parking spaces. This is considered to be an improvement on the previous parking layout and would ensure that vehicles can turn and park safely within the site without appearing unduly prominent within the street scene.

#### Impact on neighbour amenity

- 7.17 In terms of neighbour impact, officers note that this would be the same in detail as the previous scheme. There are no first floor windows proposed within the east facing flank elevation of the proposed dwelling, thereby preventing any overlooking or loss of privacy to the adjacent property at number 1 White House Close. The new dwelling would be 6.5m from the closest corner of its northern elevation to the shared boundary to this property and that relationship is considered appropriate and acceptable, as it was in the approved 2005 scheme.
- 7.18 Officers are therefore satisfied that the current proposal is acceptable in terms of its impact on neighbour amenity and that it would not result in any significant adverse impacts on surrounding properties.

#### Access and Parking

- 7.19 Policy TR7 addresses the issues of car parking standards which, in relation to a dwelling of 4 or more bedrooms, would require a maximum of three spaces. The proposed development retains the garage space, and provides two additional parking spaces on the frontage area of the application site, in an improved layout. This again, is very similar to the layout approved in 2005 and no issues were raised by the Planning Inspector in respect of the 2011 scheme as regards parking.
- 7.20 The Highway Authority has not commented on this scheme at the time of writing this report, but they previously had no objections to the proposal. Any additional comments received will, however, be reported to members at the committee meeting.

### **8.0 Conclusion:**

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- 8.1 Overall, there is little change to the size and scale of the proposed new dwelling which, in comparison to the previous application in 2005 under reference 3/04/2105/FP, remains largely as approved. There is a significant benefit in the current proposal as regards the repair and restoration of the historic stable and the provision of a modest separate single storey link entrance area that separates the historic and new build elements.
- 8.2 In terms of planning legislation and policy, the planning permission granted in 2005, ref: 3/04/2105/FP is a material consideration that carries significant weight in the determination of this proposal. The granting of listed building consent for this development and the comments of the appeal inspector in relation to the 2011 planning application are also highly relevant in this case.
- 8.3 It is officers' view that, in light of the above, the proposed development is acceptable and there is no justification for the refusal of the application. It is therefore recommended that planning permission be granted as set out at the head of this report.