

5d 3/11/1355/FP – Proposed new 2 bed bungalow and new crossover at rear of White Lion House, Furneux Pelham, SG9 0LH for Mr L Dawson

Date of Receipt: 01.08.2011

Type: Full - Minor

Parish: FURNEUX PELHAM

Ward: LITTLE HADHAM

RECOMMENDATION:

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

1. Three year time limit (1T121)
2. Samples of materials (2E123)
3. Programme of archaeological works (2E023)
4. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 1. Methods for accessing the site;
 2. The parking of vehicles of site operatives and visitors;
 3. Loading and unloading of plant and materials;
 4. Storage of plant and materials used in constructing the development;
 5. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 6. Wheel washing facilities;
 7. Measures to control the emission of dust and dirt during construction;
 8. A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To ensure that the construction works and associated activity are acceptable in terms of amenity of the area and highway safety.

5. Withdrawal of PD Part 1 Class A (extensions and alterations) (2E131)
6. Withdrawal of PD Part 1 Class E (incidental structures) (2E223)
7. Landscape design proposals (4P12) (insert:-a, b, e, l, j, k, l)

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8. Landscape works implementation (4P13)
9. The development hereby approved, shall be carried out in accordance with the Arboricultural Implications Assessment Arboricultural Methods Statement and Tree Protection Measures report dated May 2011 by Open Spaces Landscape.

Reason: In the interests of protected trees within the site, in accordance with policy ENV11 of the East Herts Local Plan Second Review April 2007.

10. Provision and Retention of parking space (3V234)
11. Prior to the first beneficial use of the access, an area of land across the site frontage measuring 2.0metres from and parallel to the nearside edge of the adjacent road carriageway shall be provided and thereafter kept clear of all obstruction to visibility over a height of 1.05m above the adjoining road channel level.

Reason: To ensure appropriate visibility between the existing highway and the proposed access in the interests of highway safety and convenience.

12. Prior to the commencement of the development, details of the gradient of the access shall be 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 the free flow and safety of other traffic on the highway.

13. Construction hours of working (6N07)
14. Approved plans (2E103) (insert:- 289.01G, 289.02b)

Directives:

1. Other legislation (010L1)
2. Unsuspected contamination (33UC)
3. Street Naming and Numbering (19SN)

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007 and in particular policies GBC2, GBC3, HSG7, OSV2, ENV1, ENV2, ENV9, ENV11, BH1, BH2, BH3, BH6 and TR7); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. The balance of the considerations having regard to those policies is that permission should be granted.

_____ (135511FP.MP)

1.0 Background:

- 1.1 The application site is within the built up area of the settlement of Furneux Pelham and located centrally within the Conservation Area. The site is shown on the attached OS extract.
- 1.2 The site forms an irregular triangle, with a frontage of 33 metres elevated to The Causeway and a maximum depth of 22 metres. The site itself is overgrown with vegetation and shrubbery with a boundary wall separating the White Lion House and The Old School.
- 1.3 The character and appearance of the surrounding area is that of a traditional rural village comprising a variety of low density residential development including some attractive listed buildings.
- 1.4 Members will note that the planning application was validated in the Summer of 2011 and has not yet been determined. The reason for this is that concerns were raised by Officers that the plans originally submitted with the planning application did not properly reflect how the building would be viewed from the road frontage and in relation to its surroundings. After an extended period of time amended plans from the applicant were received on 24 August 2012. Neighbouring properties and all statutory consultees were then re-consulted on the amended scheme.
- 1.5 However, at around the end of that second round of public consultation Officers raised concern with certain elements of the amended scheme including, *inter alia*, the impact on existing landscape features, the accuracy of the plans submitted and the potential for replacement

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landscape features to the front of the site.

- 1.6 After further discussions with the applicant a further set of amended plans providing more detailed information were submitted and neighbouring properties and consultees have again been re-consulted on those amended plans.
- 1.7 The amended scheme seeks planning permission for a single detached two bedroom dwelling on the plot. The proposed dwelling has a footprint of 77 square metres at a height of 6.8metres above ground level. The dwelling is proposed to be set 8.5metres from the road frontage, with the existing landscape features removed and replaced with a native hedge. The dwelling is proposed to be set into the existing levels of the site with an access off the main road to a small parking area.

2.0 Site History:

- 2.1 Outline Planning Permission was granted within application E/1008/62 for a dwelling and garage to the rear of White Lion House.
- 2.2 A more recent planning application was submitted under LPA reference 3/07/1400/FP for the provision of a pair of semi-detached dwellings. That application was however refused planning permission by the Development Control Committee. The application was also the subject of an appeal which was dismissed. A copy of that appeal decision is attached with this report as **Essential Reference Paper A**.

3.0 Consultation Responses:

- 3.1 The County Archaeologist comments that the proposed development site is within Area of Archaeological Significance No 65. This includes the historic core of medieval and later Furneux Pelham. The site is close to the medieval parish church, and to several listed buildings dating to the 17th and 18th centuries, including White Lion House, a former public house. As such, the position of the proposed development is such that it should be regarded as likely to have an impact on significant archaeological remains. Conditions are therefore recommended including a programme of archaeological work.
- 3.2 The Environmental Health Officer recommends that conditions relating to construction hours of working dust, bonfires and soil decontamination be included with any grant of permission.
- 3.3 Thames Water comment that surface water drainage is the

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responsibility of the developer. Storm flows should be attenuated or regulated into the receiving public network through on or off site storage. Consent from Thames Water will be required to discharge into a public sewer or for any development within 3 metres of a public sewer.

- 3.4 The Highway Authority comments that they do not wish to restrict the grant of planning permission. The Highways Officer recommends planning conditions relating to the gradient of the access, the provision of visibility splays and appropriate hard surfacing and storage of building materials within the site. The Officer also comments that traffic generation from a single dwelling will not be significant and that parking along the frontage of the site for the school is not a material consideration. The access is acceptable in terms of visibility and proximity to other accesses. The Highways Officer indicates that the gradient of the driveway should be 1 in 13 for the first two metres of the drive to reduce the risk of grounding.
- 3.5 The Conservation Officer recommends that planning permission be granted. The amended scheme addresses the concerns raised by the Planning Inspector in the previously refused scheme through the reduction in the number of dwellings. The mass, scale and design of the proposed dwelling is in keeping with the character of the wider area, particularly the neighbouring property, Appaloosa. The proposal would have little impact on the immediate and wider setting of the Conservation Area or Listed Buildings.
- 3.6 The Landscape Officer recommends that planning permission is granted and comments as follows. The footprint for the proposed building lies within the RPA (Root Protection Area) of the mature horse chestnut in the adjoining property. This horse chestnut tree is classified as a B/C classification by the Landscape Officer and is protected by virtue of its being in a conservation area. Notwithstanding this, provided the works are carried out in accordance with the Arboricultural Method Statement and Tree Protection Measures report dated May 2011 as submitted with the application the level of harm to the root system of the tree ought to be minimised to an acceptable level or avoided. A realistic assessment of the likely impact of the proposed development on this tree and vice versa needs to take account of the characteristics and condition of the tree:- the horse chestnut tree is mature (or even a tree in decline) with no likely future root growth and crown reductions having previously taken place. The proposed excavation for car parking provision and construction of a 600mm high retaining wall at a distance of 5.0 m from the tree and 5.0 m across the RPA as shown in the proposed plans is acceptable in terms of viable retention of the tree.

The principal consideration in landscape terms (as identified in the previous appeal decision) is the effect of the proposal on the character and appearance of the Conservation Area and the setting of the listed building. The appeal decision considered that the site, albeit in an unmanaged state of overgrown vegetation, contributes positively to the character and appearance of the Conservation Area. The Landscape Officer comments that some landscape change could be accommodated, provided that local distinctiveness is sufficiently recognised and embraced as part of any development proposed. The proposal involves the provision of a replacement hedge on top of the retained bank which runs across much of the frontage to the site. This is considered to represent an improvement to the street scene in comparison to the existing ivy clad ruderal scrub and trees that currently make up the frontage to this site.

4.0 Parish Council Representations:

4.1 Furneux Pelham Parish Council has commented that they have received a number of expressions of interest and objection to the proposed development and that the Parish Council was unable to come to a majority view on the proposed development. They request that the application be determined by the Development Control Committee rather than under delegated powers.

5.0 Other Representations:

5.1 The application has been advertised by way of press notice, site notice and neighbour notification. 51 representations were originally received objecting to the planning application which can be summarised as follows:

- Detrimental to character and appearance of the Conservation Area;
- An inappropriate form of development which represents 'garden grabbing';
- Detrimental impact on the setting of nearby listed buildings;
- Impact on the trees and hedgerow within the site;
- Garden space too small to accommodate development this size;
- Detrimental impact to neighbouring properties;
- Impact on highway safety;
- Reduction in parking space;
- Set a harmful precedent for future development.

5.2 With regards to the second round of public consultation, 64 letters of representation were received from neighbouring properties raising

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similar issues to the above. Further, one letter raising no objection has been received. That letter indicates that the development will tidy an unruly site.

5.3 With regards to the latest public consultation on the plans now being considered 10 letters of representation have been received which again raise similar issues to the above. Concern is raised that the amended plans do not properly address previous concerns. Third parties comment that the plans are inaccurate and do not properly show the relationship of the proposed development with the surroundings and that there will be harm to the character of the Conservation Area and the root protection area of a tree.

6.0 Policy:

6.1 The main policy considerations in this case are saved policies:

- GBC2 The Rural Area Beyond the Green Belt
- GBC3 Appropriate Development in the Rural Area Beyond the Green Belt)
- HSG7 Replacement dwellings and infill housing development
- OSV2 Category 2 Villages
- ENV1 Design and environmental quality
- ENV2 Landscaping
- ENV9 Withdrawal of Domestic Permitted Development Rights
- ENV11 Protection of existing hedgerows and trees
- BH1 Archaeology and new development
- BH2 Archaeological Evaluations and Assessments
- BH3 Archaeological conditions and agreements
- BH6 New development in Conservation Areas
- TR7 Car parking standards

6.2 The NPPF (National Planning Policy Framework) is also of relevance.

7.0 Considerations:

7.1 The considerations relevant to this application relate to the principle of the development of the plot and the impact of the proposed dwelling on the character and appearance of the Conservation Area and setting of listed buildings.

7.2 Policy GBC3 allows for limited infill development within Category 2 villages, including Furneux Pelham. Infill development is defined within the Local Plan as the erection of small dwellings within the built up area

of the village where such development can take place without damage to the character or appearance of the locality. Infill development does not constitute the linking of two separate areas within a settlement which are separated by a significant gap.

- 7.3 Third party representations raise concern that the site is not an infill site but formerly represented garden amenity space occupied by White Lion House which has been separated by the applicant to create a separate parcel of land. Concern is raised that this would be contrary to the Government's approach to protect against 'garden grabbing'.
- 7.4 There can be no dispute that the site is within the built up part of the village boundary of the category II village of Furneux Pelham. Policy GBC3 allows for infill development within such a village location, which would be in accordance with the broader policy objectives of the National Planning Policy Framework in encouraging sustainable forms of development. The site may well have been separated from the larger historic garden of White Lion House – however, the principle of development comprising of small dwellings is considered to be in line with policy GBC3 of the Local Plan which allows for this form of development. There can therefore be no objection in principle to the proposed development. It should also be noted that the Inspector in determining the appeal against the 2007 refusal did not raise any objection to the principal of the development in relation to policy GBC3.
- 7.5 However, a view needs to be formed as to whether the provision of a single dwelling would result in harm to the character and appearance of the locality, which includes the Conservation Area, in this case.
- 7.6 Third party representations refer the Council to the Inspector's comments on the previously refused scheme that the site as existing, does contribute positively to the Conservation Area. Letters of representation indicate that whilst the site has been allowed to become overgrown, it nevertheless forms an important landscaped gap within the village setting which contributes to the character and appearance of the Conservation Area.

Character and appearance

- 7.7 Officers acknowledge the comments from third parties that the site may have been allowed to become overgrown over the passage of time. However, the Inspector noted that, whilst conservation of the character of a Conservation Area is an important consideration, this cannot take the form of restricting all development in a Conservation Area. The fact therefore that the site does complement the Conservation Area is

therefore material, but the impact of the development proposal on that designated area must also be taken into account in the balance of considerations. The Inspector raised concern with the siting of the previously refused development and the predominant and cramped impact it would have on the street scene (paragraph 8 of ERP A) . The Council must therefore determine whether the scheme now being considered addresses the Inspectors comments.

- 7.8 With regards to the existing landscape features to the front of the site, Officers acknowledge that this does play some role in contributing to the character of the Conservation Area. The proposed development will result in the removal of the landscape features to the front of the site to make space for the vehicular access and the visibility splays which are a requirement of the Highway Authority. Whilst the removal of those landscape features does not weigh in favour of the development proposal, the plans submitted do show the provision of a replacement native hedge along the frontage of the site.
- 7.9 The Landscape Officer raises no objection to the removal of landscape features to the front of the site. The Landscape Officer comments that some landscape change could be accommodated provided that local distinctiveness is sufficiently recognised. The plans show the retention of the earth bank to the front of the site and the provision of a replacement hedge which, in the view of the Landscape Officer is an improvement to the street scene in comparison to the ivy clad ruderal scrub and trees it replaces. Officers consider that it is necessary and reasonable to require more information in respect of that soft landscaping which, in the interests of the amenity of the site and surroundings would be both necessary and reasonable.
- 7.10 Within the site the existing levels are retained except for the vehicular access which slopes into the site to provide the parking/turning area. The proposed dwelling is also set within the existing levels and the rear ground floor projection is set at a higher level to accommodate the root protection area of the horse chestnut tree to the east of the application site.
- 7.11 The proposed dwelling itself is of similar design and form to the neighbouring property, Appaloosa. It would also set be into the site by 8 metres following the building line set by Appaloosa. The dwelling will be at a slightly higher level than Appaloosa – however the degree of set back, the provision of a new native hedge and the use of traditional materials (which can be controlled through an appropriately worded planning condition) will ensure that the building does not appear prominent or conspicuous within the street scene, which was raised as

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a concern by the Planning Inspector in the previously refused scheme.

- 7.12 Officers note the concerns from third parties in respect of the impact on the horse chestnut tree within the rear garden of the neighbouring property, The Old School House. However, having regard to the advice from the Landscape Officer, the development does, in Officers opinion make proper provision for that tree. The proposed dwelling is acknowledged to be within the root protection area of that tree which the Landscape Officer classifies as of B/C classification and is protected by virtue of the Furneux Pelham Conservation Area designation. The Landscape Officer raises no concern however with regards to the impact on that tree provided that appropriate tree mitigation measures are put into place and appropriate building methods are employed.
- 7.13 Taking into account the comments from the Landscape Officer it is considered that the proposed development would not result in significant harm to the horse chestnut tree provided that planning conditions are imposed relating to tree protection measures and the foundations of the proposed dwelling. Such a planning condition would be both necessary and reasonable for the reasons set out above.
- 7.14 Whilst the proposed development would result in the loss of existing landscape features to the front of the site, it does incorporate the provision of replacement planting which, as acknowledged by the Landscape Officer will enhance the existing visual appearance of the site. The proposed development retains, where possible, the existing levels and proposes a small dwelling which will nestle into the existing levels, having regard to the roots of the nearby tree, and with a siting and elevational treatment which appears in keeping with the traditional character of neighbouring properties.
- 7.15 As noted by the Inspector, the application site is not a significant gap site and the siting, scale, design and provision of replacement landscaping will ensure that there is no significant impact on views or vistas from within the village.
- 7.16 In accordance with the above considerations, the proposed development is considered to be sensitively designed and makes proper provision for the character, visual quality and landscaping of the surroundings and will assimilate well with the character of the surroundings.

Highways/parking

- 7.17 Officers note that some concern is raised by third parties with regards to

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the provision of the new access in proximity to a road junction and the comments made in relation to parking matters. However, no such objections are raised by the Highways Officer. It is considered that an appropriate access is proposed which will not result in harm to highway safety or capacity. As noted by the Officer, the loss of on street parking for the local school is not material in the determination of this planning application.

- 7.18 The Highways Officer recommends the inclusion of a planning condition relating to visibility splays and gradient of the access. In accordance with that advice and, in the interests of highway safety such conditions are both necessary and reasonable.
- 7.19 In respect of parking provision, the maximum standard for a two bedroom dwelling is 1.50 spaces. Two spaces are proposed within the site with a small turning space. Officers consider that such a level of parking is appropriate in this location and in accordance with policy TR7 of the Local Plan.

Neighbour amenity

- 7.20 With respect to the impact on neighbour's amenity, Officers consider that the main considerations relate to the nearest neighbouring properties – namely Appaloosa, The Old School and White Lion House.
- 7.21 With regard to Appaloosa, an adjoining property to the south, Officers note the comments from the Planning Inspector in relation to the impact on this neighbouring property. However, the dwelling now proposed is to be sited further away from the boundary with Appaloosa than was previously proposed (the previously refused 2007 scheme would have retained 1.1metres to the boundary). Accordingly, taking into account the siting, scale and distance between the properties of around four metres, there will not, in Officers opinion, be a significant impact on the amenity of this neighbouring property.
- 7.22 In respect of considering the level of impact on the amenity to The Old School, which is sited just to the east of the proposed site, Officers note that no windows are proposed on the rear (east facing) elevation or upper northern elevation of the proposed dwelling, although five rooflights are proposed to be located in the east facing roofslope of the dwelling. However, taking into account the height of these rooflights within the pitch of the roof and that the two highest rooflights would serve en-suite bathrooms, it is considered that they would not give rise to any unacceptable degree of overlooking or loss of privacy. Taking that into account and the existing Horse Chestnut tree (which is located

within the curtilage of that property), the existing boundary wall and also the distance and siting between The Old School and the proposed dwelling, it is considered that the degree of impact is not a significant one. The proposed plans indicate the provision of additional screening adjacent to and on top of the existing boundary wall. Officers are of the opinion that this additional boundary treatment will protect against significant harm to this neighbouring property. It is not clear from the plans the nature of that additional boundary treatment and, in the interests of amenity, Officers recommend that additional information is sought through the recommended landscaping condition. For the reasons set out above such a condition, and a condition removing Class A permitted development rights (including the provision of window openings) is both necessary and reasonable.

- 7.23 With regard to the impact on White Lion House, it is considered that the existing boundary wall which is approximately 1.8 metres in height, will ensure that there is not a significant impact on the amenity of this property.
- 7.24 With regard to the impact on other dwellings, namely, The Well House and The Star, which are opposite the site; taking into account the distance to these properties, which are approximately 30 metres (as a minimum) away, and the level of screening that may be achieved through replacement landscaping, there is not considered to be any significant detrimental impact.

Archaeology

- 7.25 As noted by the County Historic Environment Unit, the site lies within an Area of Archaeological significance within the Furneux Pelham Conservation Area and the site may therefore contain archaeology of interest. In accordance with the advice from the County Archaeologist and in accordance with policy BH3 of the Local Plan and section 12 of the NPPF, it is considered to be necessary and reasonable to attach a planning condition relating to this matter.

Other matters

- 7.26 Limited information has been submitted in relation to the construction works relating neither to the development nor in terms of hours of construction or hours of working. In the interests of the amenity of the site and surroundings I recommend that a planning condition is attached relating to these matters.

8.0 Conclusion:

- 8.1 The proposal involves the construction of a small dwelling which represents an infill development within the boundary of the category 2 village of Furneux Pelham which meets a local housing need. The principle of the proposed development is therefore acceptable.
- 8.2 The proposed development involves the removal of landscape features to the front of the site – however, the replacement landscaping and size, scale, form and design of the dwelling will assimilate well with the character and grain of development within the surroundings, in accordance with policy HSG7 and ENV1 of the Local Plan.
- 8.3 The proposed development will ensure that views and vistas from within the village are maintained to the overall benefit and enhancement of this part of the Conservation Area and in accordance with policy OSV2 and BH6 of the Local Plan.
- 8.4 The proposed development will not result in significant harm to highway safety or capacity and the level of parking provision is acceptable to the locality. The proposed development will not result in significant harm to trees within the site nor to the amenity of neighbouring properties.
- 8.5 For the reasons set out above Officers therefore recommend that planning permission is granted, subject to the conditions set out at the head of this report.