

5j 3/13/1891/FP – Construction of detached dwelling and three bay garage at Newtons, Church Lane, Much Hadham, SG10 6DH for Mr G. Newton

Date of Receipt: 24.10.2013

Type: Full - Minor

Parish: MUCH HADHAM

Ward: MUCH HADHAM

RECOMMENDATION

That planning permission be **REFUSED** for the following reason:

1. The application site lies within the Rural Area as defined in the East Herts Local Plan wherein there is a presumption against development other than required for agriculture, forestry, small scale local community facilities or other uses appropriate to a rural area. The proposed development is not one of these specified uses and would result in harm to the character and appearance of the Rural Area and would prejudice the aims and objectives of the Rural Area Policy. The proposal would thereby be contrary to policies GBC2 and GBC3 of the East Herts Local Plan Second Review April 2007.

Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). East Herts Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework.

_____ (189113FP.FM)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract. Newtons is a detached 2 storey dwellinghouse that was constructed following the grant of LPA reference 3/88/1736/FP. It is accessed via a private driveway that leads from Church Lane. It has a large garden curtilage and is sited within the Much Hadham Conservation Area. The site lies outside of the Category I Village of Much Hadham and within the Rural Area beyond the Metropolitan Green Belt.

3/13/1891/FP

1.2 The application proposes the erection of a detached three bedroom dwellinghouse and a detached 3 bay cart lodge that would be sited to the north of the existing property. The application site is square in shape, is laid-to-lawn and is located to the east of the High Street, to the west of Church Lane and between several listed buildings. The proposed dwelling would be sited centrally within the existing plot, with the proposed triple bay cart lodge located towards the south eastern corner of the site. The proposed dwelling would utilise the existing access that currently serves Newtons and the dwelling to the south east of Newtons known as Lowfield. The proposed dwelling would have its principle elevation facing south, towards Newtons and would in part be 2 storeys in height and constructed in brick and render.

1.3 The application has been referred to Committee at the request of Councillor M Carver.

2.0 Site History:

2.1 Newtons has previously been granted planning permission for various extensions and outbuildings.

2.2 It is a material consideration that planning permission was refused within reference 3/94/1348/FP for the construction of a detached dwelling and detached double garage on the application site.

2.3 An application that sought planning permission for the construction of a detached three bedroom dwelling with three bay garage and formation of church car park, reference 3/13/1236/FP was withdrawn by the applicant. This followed Officer concerns with the principle of the proposed development and its impact on the character and appearance of the Rural Area and the Conservation Area.

3.0 Consultation Responses:

3.1 The Council's Conservation Officer recommends approval of the application and comments that the mass, scale, design and use of materials would not be dissimilar to and would be reflective of the scale and design of the existing dwelling known as Newtons. As such the proposed development is considered to be in keeping with the appearance of the area and would have little impact upon the setting of the adjacent listed building and the character and appearance of the Conservation Area.

3.2 The Council's Landscape Officer has recommended approval as there will be no unacceptable impact on significant trees. The Landscape

3/13/1891/FP

Officer further comments that whilst there are no hard or soft landscaping proposals shown, such details can be dealt with via condition.

- 3.3 The Historic Environment Unit comment that the proposed site is located in the historic core of Much Hadham and in Area of Archaeological Significance No.147 as identified the Local Plan. Having regard to this location, it is considered that the proposed development is likely to have an impact on heritage assets of archaeological interest. They therefore recommend that a condition is attached to any grant of permission requiring the implementation of a programme archaeological works.
- 3.4 Affinity Water Centre Comment that the site is located within the groundwater source protection zone of Standon Pumping Station. Therefore the construction works and operation of the proposed development should be done in accordance with the relevant British Standards and Best Management Practices.
- 3.5 Hertfordshire County Highways have commented that they do not wish to restrict the grant of permission. The Highways Officer comments that a suitable level of parking remains and turning space within the site is provided. No works to the existing access or within the public highway are required and traffic generation is not likely to be significant.
- 3.6 The Council's Environmental Health Team does not wish to restrict the grant of permission subject to a conditions.

4.0 Parish Council Representations:

- 4.1 Much Hadham Parish Council raise no objections to the proposal.

5.0 Other Representations:

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 Two letters of objection have been received raising the following concerns:
- The proposed dwelling would be surrounded by 16th Century dwellings and a 12th Century church and would be within the heart of Much Hadham. The proposal would be out of keeping with its surroundings;

3/13/1891/FP

- Granting permission would set a precedent in the locality;
- There are other more suitable sites for infill development within the locality that are not located within the historic core of the village. The proposal would detrimentally change this.

5.3 A letter in support of the application has also been received. This outlines that the proposal will be unobtrusive and a welcome addition to the village.

6.0 Policy:

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

GBC2	The Rural Area Beyond the Green Belt
GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV11	Protection of Existing Hedgerows and Trees
ENV20	Groundwater Protection
BH1	Archaeology and New Development
BH2	Archaeological Evaluations and Assessments
BH3	Archaeological Conditions and Agreements
BH6	New Developments in Conservation Areas
TR7	Car Parking – Standards

6.2 In addition, national planning policy as set out in the National Planning Policy Framework is relevant.

7.0 Considerations:

Principle of development

7.1 Much Hadham is designated as a Category I Village. It is important to note that Category I Villages have a clearly defined village boundary in order to prevent coalescence of settlements and urbanisation in the Rural Area beyond the Green Belt. The application site is clearly located outside of this defined village boundary and as such lies within the Rural Area beyond the Green Belt. Policy GBC3 of the East Herts Local Plan outlines that planning permission will not be given for development within the Rural Area other than that required for agriculture, forestry, small scale local community facilities or other uses appropriate to a rural area. This Policy is in place to safeguard the openness and character and appearance of the Rural Area. The

3/13/1891/FP

construction of a residential dwelling in this case therefore constitutes inappropriate development.

- 7.2 In the Design and Access Statement that has been submitted with the application, the applicant acknowledges that the site lies outside the defined Category I Village boundary but provides an opportunity for infill development. Officers do not agree with this conclusion, the proposal does not represent limited infilling in a village. The village boundary of Much Hadham is in close proximity to the site, however the application site could not reasonably be considered as falling within the built up area of the village. The site represents an open, green space. Any new residential development on the site would result in a sprawl of development that would see the village merge with this part of the Rural Area, eroding the existing boundary between the more built up area of the village and the countryside and rural properties to the east. This would be contrary to the aims and objectives of Policies GBC2 and GBC3 of the Local Plan.
- 7.3 Therefore, in Officers' opinion, development on this land would result in the built up area of the settlement extending further into the surrounding rural area, and would be harmful to the rural character and appearance of the area. The applicant has also failed to demonstrate that material considerations exist in this case to warrant a departure from Local Plan Policy.
- 7.4 It is acknowledged that the application site is bounded by mature landscaping and vegetation and is bounded to the east, south and west elevations by residential dwellings and as such the proposed dwelling and cart lodge may not be easily viewed from the adjacent highways. However, the proposed dwelling would add further to the built form of the area and would be visible from the neighbouring properties which would be detrimental to the openness of the site. The addition of any domestic paraphernalia such as garden furniture and play equipment associated with the proposed dwelling would add to this harmful impact.
- 7.5 The applicant outlines in the submitted Design and Access Statement that planning permission was approved on the site in 2011 within LPA reference 3/11/1472/FP for the construction of a garden room with snooker and changing rooms for tennis court, but has not been constructed. The approved outbuilding is to be used as an ancillary building in relation to Newtons. Unlike a new dwelling on the site, the approved ancillary building would not result in the level of paraphernalia, furniture or vehicles that would typically be associated with a new residential dwelling on the site. The approved outbuilding

has a footprint of 144m² less than the proposed dwelling and cart lodge and is single storey in height. Outbuildings that are sited within the residential curtilage of dwellings in the Rural Area are considered to be an acceptable form of development within the Rural Area. The approved, ancillary outbuilding and the proposed dwelling cannot therefore be compared and significant weight should not be given to the outbuilding that has been granted planning permission but not constructed.

- 7.6 Regard also has to be given to the Council's current lack of a 5 year housing supply and the need for housing in the District. Whilst the proposal would make a very small contribution towards housing supply, this must be balanced against the harm arising from the development by reason of inappropriateness and is not considered to outweigh the harm that would be caused to the open, rural qualities of the locality.

Impact on Character and Appearance of Conservation Area and setting of listed buildings

- 7.7 Notwithstanding that the principle of the proposed development is contrary to Local Plan Policy, it must also be considered whether there is any impact upon the character and appearance of the immediate and wider locality, the Much Hadham Conservation Area and the setting of the Grade II Listed buildings that bound the site to the east and west. Policy BH6 requires development in Conservation Areas to be sympathetic in terms of scale, height, proportion, form, materials and siting in relation to the general character of the area. The comments from the Conservation Officer have been acknowledged. In her assessment the Council's Conservation Officer has been mindful of the features that are important to the character of the area; most importantly here is the Conservation Area and listed buildings.
- 7.8 Officers have considered carefully the Conservation Officer's recommendation of approval and comments. The Conservation Officer comments that that the mass, scale, design and use of materials of the proposed dwelling would not be dissimilar to and would be reflective of the scale and design of the existing dwelling, Newtons. Having regard to these comments, the size, scale and design of the proposed dwelling and garage and the varying styles and ages of dwellings within the immediate locality, it is considered that the proposal would have little impact upon the setting of the adjacent listed buildings and the character and appearance of the Conservation Area.

Impact upon neighbour amenity

- 7.9 Having regard to the relationship of the proposed dwelling and cart lodge to neighbouring properties and the mature landscaping that bounds the site, Officers consider that there will be no impact on neighbour amenity.

Highways

- 7.10 The proposed development would utilise the existing private access that currently serves Newtons and the dwelling to the south of Newtons, Lowfield. Whilst the proposed plans do not depict an allocated area for vehicles to park on site, having regard to the size of the site and the proposed 3 bay garage, it is considered that there would be sufficient space on site for vehicles to park and manoeuvre. The comments from the Highways Authority who do not object to the proposal support this and comment that no works to the existing access or within the public highway are required and traffic generation is not likely to be significant. The development would not therefore result in on-street parking or be detrimental to highway safety.

Landscape

- 7.11 The comments and recommendation of approval from the Landscape Officer have been acknowledged. The proposal would not require any existing trees or vegetation to be removed. As such I am satisfied that the proposal would not harm any existing trees or hedges on site.

8.0 Conclusion:

- 8.1 In summary and in accordance with the above, the site clearly lies outside of the built up part of the Category I Village of Much Hadham and within the Rural Area beyond the Metropolitan Green Belt. Circumstances do not exist in this case to warrant a departure from Local Plan Policy. Officers therefore recommend that permission be refused.