

**5k 3/13/2098/FP – Erection of one, three bedroom detached dwelling at Causeway House, 3 Church End, Braughing, SG11 2PZ for Mr M Roat**

**Date of Receipt:** 26.11.2012

**Type:** Full – Minor

**Ward:** BRAUGHING

**Parish:** BRAUGHING

**RECOMMENDATION:**

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

1. Three Year Time Limit (1T12)
2. Programme of Archeological Work (2E02)
3. Levels (2E05)
4. Boundary Walls and Fences (2E07)
5. Approved Plans (2E10) (11381-P001-C; 11381-P002-A; Topographical Survey)
6. Samples of Materials (2E12)
7. Contaminated Land Survey and Remediation (2E33)
8. Tree/hedge retention and protection (4P05)
9. Landscape Design Proposals (4P12)
10. Landscape works implementation (4P13)
11. Hours of Working - Plant and Machinery (6N05)

**Directives:**

1. Other legislation (01OL)
2. Street Name and Numbering (19SN)
3. The applicant is advised that the proposed pedestrian access to The Street as described in the Design and Access Statement (dated November 2013) is not annotated on the submitted plans and did not form part of the application description. This access does not therefore

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form part of this decision, and the applicant is advised that such a development will require a formal planning application. Additionally the applicant should contact the highways authority to ascertain the extent of the public highway and if necessary seek approval from the highway authority for the intended works.

#### 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 (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); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies and the considerations of LPA ref: 3/13/0773/FP is that permission should be granted.

\_\_\_\_\_ (209813FP.SE)

#### **1.0 Background:**

- 1.1 This application seeks permission for a detached dwelling within the curtilage of an existing dwelling within the Category 1 village of Braughing, as shown on the attached OS extract. The existing dwelling is Grade II listed and the setting of this heritage asset includes a large parcel of land that extends to The Street which forms the southern boundary of the curtilage, whilst the existing dwelling fronts onto the western site boundary. Included within the setting is a tennis court sited along the eastern boundary and a swimming pool to the south of the house. The house, tennis court and swimming pool sit within an established garden comprising mature trees and boundary hedges, the character of which contributes to the character and appearance of the Conservation Area.
- 1.2 The application site forms approximately the southern portion of the curtilage of the parent dwelling (Causeway House). The access is proposed to be from Church End and the driveway is to be formed from the existing access to the stables and runs from west to east to the side of the dwelling. The proposed dwelling is to be sited to the south of the tennis court, adjacent to the boundary with The Street.
- 1.4 This current proposal amends a previously refused scheme (ref: 3/13/0773/FP) by reducing the size and scale of the three bedroom dwelling, and omitting the garage from the scheme. Whilst the dwelling

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retains a 'T' shaped plan form, it has been rotated 90 degrees anticlockwise with the main massing of the dwelling located further away from the highway. The dwelling retains a simple fragmented design with 2 storey and 1½ storey elements with ridge heights of 7 metres and 6.04 metres respectively. Unlike the previously refused scheme, the dwelling has taken the semi-rural form of the neighbouring dwelling known as Ashridge.

### **2.0 Site History:**

2.1 Planning permission was refused in July 2013 (ref: 3/13/0773/FP) for the erection of a dwelling on the site. This application was refused for the following reason:

1. The proposed dwelling, by reason of its size, scale, siting and design, would not compliment the character of the local built environment or have regard to local distinctiveness and would result in an unsympathetic form of development that fails to enhance the character and appearance of the Braughing Conservation Area wherein the site is situated. This proposal thereby is contrary to policies HSG7, ENV1, OSV1 and BH6 of the Local Plan, and national planning policy guidance set out in section 12 of the National Planning Policy Framework.

2.2 This refused scheme was proposed to have a gabled ridge height of 9.5 metres running at a length of 13 metres when viewed from the east. When viewed front the south or north the design fragmented to ridge heights of 8 metres and 6.5 metres respectively. Together with the detached three bay cart lodge style detached garage, the dwelling took the form of a timber framed barn.

### **3.0 Consultation Responses:**

3.1 The County Archaeologist has commented that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest and therefore it is recommended that an archaeological monitoring, recording and evaluation condition is imposed upon any grant of approval.

3.2 County Highways does not wish to restrict the grant of permission. Comments have been made that this revised application will not have a significant impact from a highway point of view and adequate parking and turning has been provided. Church End is narrow in places and the existing driveway is used to serve the new dwelling. These constraints are not ideal from a highway point of view but as there have been no

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accidents recorded at this location in the last five years County Highways would be unable to justify a highways objection. County Highways also commented that the Design and Access Statement states that a pedestrian gateway and steps to The Street is proposed, but it is not indicated on the proposed plans. It is advised that the applicant should contact the highways authority to ascertain the extent of the public highway and if necessary seek approval for the intended works.

- 3.3 Natural England have commented that, based upon the information provided, the proposal is unlikely to affect any statutory protected sites or landscapes.
- 3.4 Environmental Health does not wish to make any further representations beyond that made with regard to 3/13/0773/FP. It is therefore advised that if permission is granted, the approval should include conditions relating to the control of the construction hours of working (plant and machinery), and the requirement of a contaminated land survey.
- 3.5 The Conservation Officer has not raised any objections to this proposal. In making their assessment they considered the proposed new dwelling against the historic and more recent additions within the locality which contribute to the character of the Conservation Area. In comparing this proposal with the refused scheme, it is noted that the mass, scale and design has been reduced and as such provides a more comfortable addition to the existing built form. Furthermore, the Conservation Officer considers that the mass and scale of the dwelling, as a result of the design and siting, reduces the impact on the street scene and built character of The Street, which sub-urban in nature. In summary the siting and form of the new dwelling allows for a comfortable introduction to The Street and as such would have little or no impact on the historic and architectural character and appearance of the surrounding Conservation Area.
- 3.6 The Landscape Officer has raised no objection to this proposal. With regard to impact on the existing trees and surroundings it is noted that a comprehensive tree survey has been provided. A number of trees are to be removed, but these trees do not meet the criteria for the making of a Tree Preservation Order and therefore their retention cannot be justified. Importantly, the large Oak is to be retained and although the access drive makes some incursion into the root protection area of this tree this should be acceptable provided the method statement and construction details in the Arboricultural Impact and Method Statement are adhered to.

- 3.7 With regard to the Landscape proposals, the Landscape Officer has no objections in principle to the development of the site to provide a new dwelling. The site is fairly well enclosed and has the advantage of being at least partially screened by existing vegetation and is therefore not easily visible from the nearest road or from the existing listed building. Additional planting could help to further reduce any adverse visual impact. Appropriate landscape proposals are described in paragraph 9.3 of the Design and Access Statement but no landscape drawings to illustrate them have been provided. The revised proposal is now for a new dwelling which will assimilate reasonably well into the visual area and is more in keeping with the historic grain and pattern of development in the local area.
- 3.8 In summary, the Landscape Officer considers that the proposal has addressed previous concerns regarding the scale and mass of the development and any visual impact can be further ameliorated by suitable landscape proposals and the imposition of landscape conditions, if approved.

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

- 4.1 The Braughing Parish Council notes the amendments made to the design and reorientation of the proposed dwelling. However, the site is still within the Conservation Area, within the curtilage of a listed building, and the Parish Council still considers that it will still be overbearing on the street scene. Additionally, the Parish Council comments that whilst the local plan has not yet been agreed for East Hertfordshire, it is requested that the National Planning Policy Framework be taken into account when reaching a decision. In particular the Parish Council would wish to draw attention to Section 12 – Conserving and enhancing the historic environment. It is considered that the requirements laid out in this section are particularly pertinent to this application since it does not appear that the requirements of paragraph 128 have been submitted with the application. The Parish Council continues to believe that this application, if successful, will have a significant impact on the historical environment surrounding it.
- 4.2 The Parish Council also objects to this application on the grounds that it is contrary to policies HSG7, ENV1 and BH6 of the East Herts Local Plan Second Review April 2007. This is summarised as follows:

HSG7 – It is the view of the Parish Council that as the proposed development is situated close to The Street on the south side of the property, the proposed property will appear obtrusive and overbearing in its surroundings. This will be exacerbated due to the significant

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embankment at the edge of The Street, making the proposed property appear high.

ENV1 – It is the view of the Parish Council that the application will contribute significantly to the creeping urbanisation of villages such as Braughing. There will be a loss of open land which will have a significant impact on the character and appearance of the street scene. The proposed one and a half storey building will be of a height to be overbearing on The Street as already mentioned.

BH6 – It is the view of the Parish Council that the application will have a significant impact on what is the very heart of the Braughing Conservation Area. The street scene from The Street will be altered significantly, with the proposed dwelling becoming a prominent feature. The application does not enhance the character and appearance of the Braughing Conservation Area.

4.3 Additionally the Parish Council considers this proposal to be a case of 'garden grabbing'. The Parish Council has also noted that the Design and Access Statement states that a footpath is to be developed onto The Street, siting The Old School development as an example. The Parish Council strongly objects to the proposed steps as they would lead directly onto the road on a blind bend. The steps quoted from the Old School are accessed from a public footway – they do not access onto the road. The Parish Council considers that this is a serious hazard to both pedestrians and vehicles.

4.4 For the above reasons, Braughing Parish Council recommends the above objections are taken into account when reaching a decision on this application and would urge that this application be refused.

#### **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 representation have been received – one letter of support and one letter of objection which raised the following concerns:

- Vehicular access via "Church End" to the proposed development;
- Pedestrian access via "The Street" to the proposed development;
- The development of more dwellings does not well abide with the "Rural Village" status of Braughing;
- The development is not based on "Social and Affordable Housing"

needs; and

- The proposal will have an impact on Braughing's highway infrastructure

5.3 A representation from the Braughing Society has also been received which raises the following concerns:

- The proposed building, by reason of its siting and extent, would appear unduly prominent and detrimental to the character and appearance of the surroundings within the Braughing Conservation Area. The proposal would thereby be contrary to policies ENV1 and BH5 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.
- The siting of the proposed structure would be very close to the medieval St Mary's church and churchyard and would be out of keeping with the surroundings.
- The proposed dwelling does not assimilate well in relation to the nearby buildings and clearly gives the impression of overdevelopment of the site, where two large buildings will crowd into a space which has traditionally and historically housed just one.
- The proposed building is tall (two storey) and as such will have an adverse visual impact, seriously failing to respect the amenity of neighbouring residents.
- The proposed building is not well sited in relation to the surrounding buildings and will appear obtrusive. The design and layout does not compliment the local natural surroundings or have regard to the pattern of planting or open spaces.
- Access to the site for heavy works traffic, during the building process will be a virtual impossibility. At the present time a small car can just about squeeze past the line of cars which are permanently parked along the length of Church End. Additionally, the building works, should permission be given, would be very close to St Mary's Church and seriously disrupt the services and access to and from the Church.
- Although house building is an important part of government strategy, the large detached type of house which is envisaged in this application is not the kind of house which is needed in Braughing and will not solve any of the housing needs of the village

5.4 In summary the Braughing Society considers that the proposed dwelling would neither preserve nor enhance the character or appearance of the Braughing Conservation Area and on these grounds, together with the foregoing reasons, requests for this application to be refused.

**6.0 Policy:**

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

OSV1 – Category 1 Villages

HSG7 – Replacement Dwellings and Infill Housing Development

ENV1 – Design and Environmental Quality

ENV2 - Landscaping

ENV11 – Protection of Existing Hedgerows and Trees

ENV16 – Protected Species

TR7 – Car Parking - Standards

BH1 – Archaeology and New Development

BH2 – Archaeological Evaluations and Assessments

BH3 – Archaeological Conditions and Agreements

BH6 – New Developments of Conservation Areas

6.2 The National Planning Policy Framework is also a material consideration of this application.

**7.0 Considerations:**

7.1 The application site is located within the built up area of the Category 1 Village of Braughing wherein policy OSV1 states that limited infill housing development may be permitted provided that the proposal would not be significantly detrimental to neighbour amenity; that the location does not represent a significant open space or gap important to the form and setting of the village; that the proposal would not block important views and vistas and that the housing is appropriately designed and well integrated within the surrounding area. The approach of OSV1 is to focus development in the more sustainable locations of the District, which Officers consider is consistent with the principles of 'sustainable development' of the National Planning Policy Framework (NPPF). Similar criteria are established in policy HSG7 and ENV1, which additionally accords with the design requirements as set in the NPPF. Given the location of the site within the village the provision of one dwelling is considered to be acceptable in principle. However, it is necessary to test the impact of the proposals against the requirements of the policies as set out in the Local Plan, including those relating to the Conservation Area location, and to take into account any other material considerations.

**Character and Appearance**

7.2 Officers consider that this proposal overcomes the reason for refusal of

the previous application (ref: 3/13/0773/FP). The reorientation of the dwelling together with its reduction in size and massing and its re-siting within the site results in a proposal that would not be obtrusive in its setting. Unlike the previously proposed scheme the proposed dwelling is of a scale and character that relates more appropriately to the neighbouring dwellings (Ashridge and Magdalens) and therefore compliments the character of the local built environment. Officers acknowledge the concerns raised by the Parish Council with regard to the embankment to The Street and the difference in levels, but are of the opinion that given the changes made in size, scale and siting combined with the existing soft landscaping to the southern boundary of the site, the building would not be prominent in this location. This is also the view of the Landscape Officer.

- 7.3 With regard to the existing open setting of this part of the village, it is agreed that Causeway House has a large expanse of amenity land that does contribute to the character of the locality. However, Officer's concur with the Landscape Officer that the site is fairly well enclosed and has the advantage of being at least partially screened by existing vegetation and is therefore not easily visible from the nearest road or from the existing listed building. The resultant dwelling would therefore not harm the semi-rural characteristic of this part of the village.
- 7.4 With regard to the design of the proposed dwelling, Officers consider that the simplicity of the dwelling is the correct design approach for this site. In addition, the form of the proposed dwelling also offers continuity with the neighbouring dwellings and therefore would not depart from the distinctive character of the locality.
- 7.5 For the above reasons Officers consider that this proposal accords with the design considerations of policies OSV1, HSG7 and ENV1 of the Local Plan.

#### Heritage considerations

- 7.6 In considering the setting of Causeway House as a Grade II listed heritage asset, Officers consider that the proposed dwelling is subservient in size and scale and located at a sufficient distance so as to not adversely affect into its historic setting. Officers have noted the Braughing Society's concerns with regard to the impact upon the grade I listed St Mary's Church, but given the 100 metres spacing between the two buildings and the intervening buildings it is not considered to be harmful to the setting of this significant heritage asset.
- 7.7 The Conservation Officer has not raised objections to this proposal.

Officers concur that the size, scale, siting and design of the proposed dwelling will respect the surrounding built form whilst not unacceptably impacting on the open green appearance which contributes to the character and appearance of the surrounding Conservation Area. For this reason Officers consider that this proposal accords with policy BH6 of the Local Plan and section 12 of the National Planning Policy Framework.

- 7.8 With regard to the archaeological significance of the site, the County Archaeologist has commented that the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological and historic interest and it is recommended by the Historic Environment Unit at Hertfordshire County Council that any approval should be conditioned to ensure a programme of archaeological evaluation and monitoring is conducted. Subject to this condition being successfully complied with, Officers recommend that this proposal accords with policies BH2 and BH3 of the Local Plan, and section 12 of the National Planning Policy Framework.

Amenity considerations

- 7.9 With regards to the impact of the development on the occupants of Ashridge, which is located approximately 22 metres to the east of the proposed dwelling, Officers do not consider that this proposal will cause unacceptable harm to their amenity. It is noted that rooflights are proposed in the 1½ storey element of the dwelling facing this neighbouring dwelling, however this rooflight would not serve primary accommodation (a stairwell) and, given the distance separating the dwellings, will not cause loss of privacy. Whilst two trees are to be removed on this boundary, it would be reasonable to ensure that replacement and additional planting is implemented through a landscaping scheme.
- 7.10 With regard to the occupants of numbers 3 and 4 Old School Place, which are located approximately 26 metres to the south of the application dwelling on the opposite side of The Street, Officers do not consider that this proposal will cause harm to amenity. It is noted that this proposal has fenestration facing these dwellings and that the application site and these neighbouring dwellings are on similar levels. However it is considered that, given the distance and the landscaping separating these properties, this proposal will not cause unacceptable loss of privacy.
- 7.11 With regard to the occupants of Causeway House, given the distance separating the dwellings, this proposal will not cause unacceptable

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harm to their amenity.

- 7.12 In considering the above Officers recommend that this proposal accords with the amenity considerations of policy ENV1 of the Local Plan.

#### Landscaping considerations

- 7.13 The Landscape Officer has raised no objections to this proposal. It is noted that a number of trees are to be felled, but these are considered not to meet the criteria of a Tree Preservation Order and therefore not worthy of retention. With regard to the impact of the size, scale and siting of the dwelling in the surrounding landscape, the site is partially screened by existing landscaping and therefore not easily viewed from the nearby highway, Officers concur with the Landscape Officer that additional screening controlled by a landscaping condition would help further reduce any adverse visual impact. For these reasons this proposal accords with policies ENV2 and ENV11 of the Local Plan.

#### Parking and access considerations

- 7.14 Officers concur with County Highways that sufficient parking and turning provision is proposed in accordance with policy TR7 of the Local Plan. Additionally, whilst concerns have been raised with regard to highway safety resulting from additional traffic flows, including construction traffic, County Highways has not raised objections on these grounds.
- 7.15 The submitted Design and Access Statement states that a pedestrian access from Church Street will be supplemented by the formation of a new gateway and steps to The Street, reducing the walking distance to village facilities. However, this proposed access is not indicated on the submitted plans or included in the application description and therefore does not form part of the decision. Officer's recommend that it is clarified by a directive on any grant of permission that this application does not grant permission for any pedestrian access.

### **8.0 Conclusion:**

- 8.1 The development of the proposed dwelling is considered acceptable in accordance with the Local Plan and the National Planning Policy Framework. In comparison to the previously refused scheme, the reduction in the size and scale of the dwelling, combined with its re-orientation and it's re-siting further into the site, results in a dwelling that respects the appearance of the adjacent dwellings and does not intrude into the semi-rural appearance of this part of the Conservation Area or harm the setting of the grade II listed dwelling.

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- 8.2 There are no other issues identified which are considered to have an unacceptably harmful impact and therefore, for the reasons set out above Officers recommend that planning permission is granted, subject to the conditions set out at the head of this report.