

DEVELOPMENT MANAGEMENT COMMITTEE – 20 JUNE 2018

Application Number	3/18/0169/FUL
Proposal	Demolition of existing stable block and construction of a detached two storey dwelling.
Location	Land Adjacent To The Orchard, Hall Lane, Great Hormead, SE9 0NZ
Applicant	Mr And Mrs Quinney
Parish	Hormead
Ward	Braughing

Date of Registration of Application	6 th February 2018
Target Determination Date	ETA 24 th May 2018
Reason for Committee Report	Applicant is a member of staff
Case Officer	Fiona Dunning

RECOMMENDATION

That planning permission be **GRANTED** subject to the conditions set out at the end of this report.

1.0 Summary of Proposal and Main Issues

- 1.1 The proposal is for the demolition of the stable building and erection of a detached dwelling with rooms in the roof. The dwelling would have a larger footprint than the existing stables. The proposed dwelling has been designed with a bedroom and living space on the ground floor and two bedrooms with ensuites within the roof space. The materials proposed include a slate roof and black weather boarding on a red brick plinth. A small glazed entrance area is proposed to have a zinc or lead roof.
- 1.2 The total floor space of the dwelling is 196m² and the site is large enough to provide on-site parking for two vehicles and private open space. A terrace area is provided adjacent to the living area and

adjoining this is a large grassed area. Permeable paving is proposed from the lane to the proposed on-site parking bays.

- 1.3 There have been a number of objections raised by nearby residents and the parish council in regard to the proposal as the site is within the Great Hormead Conservation Area.
- 1.4 Under the current Local Plan the site is within the Rural Area beyond the Green Belt. However, under the emerging District Plan, the site has been included within the village boundary and therefore the principle of a dwelling is accepted. The main issue then is balancing the current and emerging plans and considering the design within the conservation area and impact on adjoining and nearby neighbours.

2.0 Site Description

- 2.1 The site was historically an orchard which ceased in the early 1900s. There is an existing vehicular access onto Hall Lane from the site with visibility splays, but the access is unpaved adjacent to Hall Lane and within the site. A small shed and a stables building currently occupy the site and are located on the northern side adjacent to the boundary fence. This northern boundary has some existing planting. There are a few trees on the site and an established beech hedge on the southern boundary where the site adjoins 8 residential properties known as Hall Cottages.
- 2.2 To the west of these cottages is The Orchard, which is a two storey dwelling which is in the same ownership as the development site.
- 2.3 Great Hormead has a large number of listed buildings generally on the two main roads of the village, although Hall Lane has a few. No listed buildings are on or adjacent to the development site. Great Hormead Dane, which is Grade II* listed is located to the south of the site beyond Hall Cottages with access onto Hall Lane. It is approximately 80m from the development site. Dane House, which is on the eastern side of Hall Lane is Grade II listed and is approximately 70m from the access drive of the development site.

- 2.4 Hall Lane provides access to other residential dwellings and Hormead Hall which has a few listed buildings on it and has a locally important moat site.
- 2.5 The character of the area is a mix of one and two storey dwellings having a range of materials. Many of the buildings are listed, with some parts dating back to as early as the 13th century. The materials of the buildings are not homogenous, with some dwellings having thatched roofs and others having tiled roofs or corrugated where thatch once existed. There are also brick and timber barns that have been converted into residential. In addition to the listed buildings, there are other 19th century dwellings that contribute to the character of the area, such as Sworders Close which adjoins The Orchard and is a two storey rendered building with a slate roof.

3.0 Planning History

The following planning history is of relevance to this proposal:-

Application Number	Proposal	Decision	Date
3/14/0500/FP	New stable block and front porch	Granted with Conditions	11.6.14
3/09/0832/FP	Retrospective permission for engineering works to create new access	Granted with Conditions	19.8.09
3/09/0402/FP	Erection of new dwelling at land adjacent to 5 Hall Lane	Granted with Conditions	8.5.09

4.0 Main Policy Issues

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the pre-submission East Herts District Plan 2016

(DP), the adopted East Herts Local Plan 2007 (LP) and Buntingford Community Area Neighbourhood Plan (BCANP).

Main Issue	NPPF	LP policy	DP policy	NP policy
Principle	Section 6 Para 17	GBC3 GBC11 OSV3	VILL2	HD1
Design	Section 7	ENV1	DES3 VILL2	HD2 HD4 HD7 Appendix 4
Neighbour Amenity	Section 7	ENV1	DES3	HD6 Appendix 4
Impact on Heritage Assets	Section 12	BH1 BH2 BH3 BH6	HA1 HA3 HA4	HD6
Landscaping and Biodiversity	Section 11	ENV2 ENV11	DES2	ES7

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 Summary of Consultee Responses

- 5.1 HCC Highway Authority comments that Hall Lane is a narrow cul-de-sac lane and the intersection with the B1038 is below standard but there have not been any recorded accidents in the last five years. Traffic generation will not be significant and the existing access point is satisfactory. There is suitable parking on site and manoeuvring.
- 5.2 EHDC Conservation and Urban Design Advisor comments that the development of the plot with a two-storey high dwelling will not affect the setting of the nearby listed buildings and other historic

buildings and the openness of the site is of little significance to the conservation area. It is stated that the proposed size, siting, scale and form of the proposed dwelling would not be harmful but there is an objection to the design of the dwelling which has the appearance of an artificial agricultural building of 1½ storeys, where the nearby properties are 2 storeys often with steep thatched roofs. The officer considers the application should be withdrawn and the dwelling design reviewed with good boundary treatments that accord with the character and appearance of the conservation area.

- 5.3 HCC Historic Environment Unit advises that it is unlikely for the proposal to have a significant impact on heritage assets of archaeological interest.
- 5.4 EHDC Landscape Advisor recognises the site as being in the countryside and states that the development will be visible from the north from a public right of way. Landscape value includes tranquillity, scenic beauty, contribution to settlement as open space and conservation interests are considered. The stables and open space are part of the existing landscape character and setting and the replacement building will be larger with limited garden compared to other plots. The proposal is not in keeping with the character of the surroundings and is potentially detrimental to the amenity of neighbouring occupiers.
- 5.5 Herts Ecology comments that it does not have any habitat or species data for the site but from photos it is considered that the site has limited ecological value with low to negligible potential to support protected species or important habitats. Therefore an ecological survey is not considered necessary. However there should gains for biodiversity in accordance with the NPPF. In this regard, bat and bird boxes in trees or integrated bat roost in the building and gaps under fencing should be considered. Informatives are requested with respect to birds, reptiles and amphibians as well as conditions for native tree planting and biodiversity enhancements.
- 5.6 HCC Development Services Team requests fire hydrants in a S106 Agreement.

5.7 EHDC Environmental Health Advisor requests conditions on contamination and hours of construction.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

6.0 Parish Council Representations

6.1 Hormead Parish Council objects to this application on the following grounds:

- Over-development of the site due to size and height of dwelling having a larger footprint than the stables and it is within the conservation area.
- Unacceptable adverse impact of the two storey building on the amenities of neighbours to the south due to overlooking, loss of privacy and overbearing visual impact.
- Ground level of the site is higher than adjoining properties.
- The adverse impacts outweigh the benefits, therefore is unsustainable development.

7.0 Summary of Other Representations

7.1 5 (3 letters from 1 property) responses have been received objecting to the proposals on the following grounds:

- Out of character with conservation area
- Impact on openness of countryside location and views
- Impact on amenity due to loss of privacy
- Impact of views across the site
- Impact on wildlife and biodiversity
- Poor design and out of character
- Over-development of site and cumulative impact of development of The Orchard site
- Contrary to current and emerging policies
- Not sustainable development due to lack of services and facilities in village

8.0 Consideration of Issues

Principle of Development

- 8.1 The site is within the Rural Area Beyond the Green Belt under the Local Plan. Policy GBC3 states that planning permission will not be given, for the construction of new buildings or changes of use, other than for those purposes listed under the policy as appropriate development. The proposed development does not fall under any of the purposes listed. Therefore any material planning considerations need to be considered to determine whether the benefits outweigh the harm.
- 8.2 The emerging District Plan is a material consideration that carries significant weight as it is due to be adopted later this year. This plan identifies Great Hormead as a Group 2 Village and alters the village boundary to include the site that is the subject of the current planning application. Policy VILL2 states that limited infill development will be permitted subject to design that respects the village character, is of an appropriate scale, does not result in ribbon development, does not have a significant loss on the openness of the countryside or important views or vistas and does not significantly impact on amenity of neighbours.
- 8.3 The objections received are noted, however it is considered that the proposed dwelling meets the relevant requirements of VILL2 and therefore under the emerging District Plan, the principle of development on the site is acceptable. Due to development within Group 2 village boundaries being acceptable in principle, the proposal is considered to constitute sustainable development.
- 8.4 Furthermore, policy HD1 of the BCANP does allow for small scale infill residential development within or immediately adjoining significant existing clusters of development. It is considered that the proposal would comply with this policy as it adjoins the settlement of Great Hormead.

- 8.5 The matters raised in the objections and the requirements of VILL2 are addressed in detail under the sub-headings below.

Design

- 8.6 The proposed dwelling is setback from the northern boundary by 2 metres and therefore will allow some landscaping along this boundary. It is also noted that the northern elevation of the dwelling has minimal openings and will appear as a barn from long views from the countryside. The proposed rooflights are limited to three and can be conditioned to be flush with the roof. The view from the countryside will change from the existing, but this is not considered to be significant.
- 8.7 Some of the objections raise concern about the design with respect to the front door not facing Hall Lane. This is not considered necessary, particularly taking into consideration the adjoining cottages which do not face the street at all. The proposed siting and design of the dwelling is considered to complement the immediate and wider character of the locality.
- 8.8 The proposal is considered to be of a high standard addressing the constraints of the site and amenity of neighbours and generally reflects the local pattern of development of the adjoining cottages.
- 8.9 The space around the proposed dwelling provides adequate access, car parking, bin storage, private amenity space and landscaping to ensure that the proposal is sustainable. The dwelling also has a bedroom at ground floor level which makes the dwelling more accessible for future occupants. The Design Code of the BCANP has been met with the provision of 100m² garden area. Other requirements of this Code are addressed in the Neighbour Amenity section below. The proposal is considered to meet Policy ENV1 of the Local Plan and DES3 of the emerging District Plan.

Neighbour Amenity

- 8.10 Many of the objections raised relate to the impact on the amenity of adjoining and nearby residents with respect to overlooking, loss of privacy, impact on outlook and impact on views from dwellings to the countryside. The impact on views from the countryside was also a concern.
- 8.11 The proposed dwelling has been sited to maximise the distance to the adjoining cottages to the south but to also provide an adequate setback to the north to allow for some landscaping. For one or two storey dwellings on flat ground, the Design Code of the BCANP has a minimum distance of 23 metres between habitable rooms. The distance between the glazed area of the proposed dwelling and the adjoining cottages is 27 metres. In addition to the distance meeting the minimum requirement, there is a hedgerow on the boundary which will be retained and the proposed first floor windows are within the roofspace and two of them are not to habitable rooms and the rooflights are angled at 45 degrees rather than on a first floor wall. Therefore the proposal is not considered to result in any loss of privacy of adjoining neighbours. It is noted however that there may be some perceived loss of privacy to these existing neighbours who have had the benefit of the site being used for the stabling of horses since 2014 and prior to this being vacant land in the countryside. The objectors have also indicated that the land levels of the site are higher than the adjoining dwellings. Having regard to the distance between dwellings, the change in ground level is not considered to be significant enough to create an impact on the adjoining and nearby neighbours.
- 8.12 The height of the proposed dwelling has been minimised to ensure it does not create any significant impacts on outlook or the adjoining countryside. The highest part of the ridge of the proposed dwelling is 6.8m and the current ridge height of the stables is 3.4m. The proposed building is also closer so there will be a change to the outlook of the adjoining and nearby dwellings. This change however is not considered to be significant to cause substantial harm to the outlook of neighbours.

- 8.13 Some objectors have stated that the adjoining cottages are lower than the proposed dwelling. These cottages are two storey dwellings and the change in the land levels is not considered to be significant to make the height of the proposed dwelling unacceptable with respect to overlooking or outlook.

Impact on Heritage Assets

- 8.14 The Draft Great Hormead Conservation Area Appraisal and Management Plan has recently been consulted on and therefore is relevant to this application as the site is within the conservation area. At present Hormead Hall is not in the conservation area but it is proposed to be included as set out in the Management Proposals for Great Hormead Conservation Area. The proposed extension of the conservation area is likely to result in the proposed dwelling being visible on the northern side from the conservation area. The proposed design and setback is considered to be satisfactory in this regard.
- 8.15 Policy BH6 of the Local Plan, Policy HA4 of the emerging District Plan and Policy HD6 of the Neighbourhood Plan all require new development to be sensitive in terms of design, layout and materials so that it enhances the character and appearance of conservation areas. The proposed dwelling has been designed to appear as a converted barn rather than a modern dwelling. The materials used are consistent with materials used in the conservation area and while the glazed part of the dwelling is not a common design, it reflects the residential use and helps to identify the entrance of the dwelling. The siting and design of the building has also considered the constraints of the site with minimal openings facing the countryside and extension to the conservation area, and the first floor element being within the roof space with rooflights proposed rather than dormer windows.
- 8.16 The comments from the heritage advisor have been considered in depth in the assessment of this application. It is noted that they have no objection to the size, siting or scale of the proposed

dwelling but consider a full two storey dwelling of similar appearance to other dwellings in the locality would be a better design solution. The dwellings in Great Hornead village are not homogenous in design or materials, which has allowed some flexibility in the design and materials proposed for this development. This style of building is evident in the Great Hornead Conservation Area and within the District. The materials identified on the plans are consistent with materials used in the conservation area and can be conditioned to ensure they are of an appropriate quality in the conservation area. Due to the concerns raised by nearby neighbours on the current application, it is considered that a full two-storey dwelling would raise more concern and would have a greater impact on the adjoining countryside and native species due to the likely additional artificial light from first floor rooms. Policy HD2 of the BCANP requires that all new housing development should be sensitive to the landscape and be of a height that does not impact adversely in views from the surrounding countryside.

- 8.17 The objections stating that the scale of the development is overbearing and will detract from the character of the conservation area are not considered to be substantiated as the design is considered to complement the character of the conservation area and has the appearance of a barn that has been converted to residential.

Landscaping and Biodiversity

- 8.18 The landscape officer does not support the proposal due to the impact on the views from the countryside and public right of way. These comments are noted, however, it is considered that there is opportunity of enhancing the views by providing additional landscaping along the northern boundary, which forms the edge of the village and conservation area boundaries.
- 8.19 The design of the dwelling will also ensure that there is minimal light spillage from within the dwelling that will impact on nocturnal wildlife. The biodiversity of the land can also be improved with additional planting on site. Objectors have raised concerns about

the nearby ponds and ditch. There are other dwellings closer to these ponds and any surface water from the site from hardstanding areas will be adequately drained so that there will not be any runoff onto adjoining land. Should planning permission be granted then permitted development rights for outbuildings and extensions could be removed so that the local planning authority can retain control over future development on the land.

- 8.20 The site is within the village boundary in the emerging District Plan and landscaping and biodiversity improvements should be proportional to the size of the development. The amount of unbuilt upon area will be marginally more than the existing and is not considered to impact on wildlife.
- 8.21 Some objectors state that the Biodiversity Questionnaire is inaccurate. The County Council Ecology unit were consulted on this application but did not raise any objection to the proposal and advised that the development would provide the opportunity of improving the biodiversity of the site and locality. All information submitted with a planning application should be accurate but the concerns raised by residents have been considered in the assessment of the application.

Other Matters

- 8.22 Further to the above, objectors consider that the proposal will lead to further development nearby. Each application is assessed on the relevant policies and should this application be granted planning permission, it will not set a precedent.
- 8.23 Loss of views has been raised as an objection. Whilst the proposed dwelling is considered to be modest in scale, private views do not fall under material planning considerations and therefore cannot be considered. The appearance of the conservation area and impact on landscape views have been considered above.
- 8.24 Objections have also stated that the proposal is contrary to relevant planning policies and should be refused. It is considered that the

relevant current and emerging planning policies have been fully taken into consideration above.

9.0 Planning Balance and Conclusion

- 9.1 The site is currently within Rural Area Beyond the Green Belt under the current Local Plan but is within the village boundary under the emerging District Plan, and weight has been given to the emerging District Plan. The proposal would comply with policy HD1 of the BCANP.
- 9.2 The proposed dwelling is a modest building that is considered to be well-designed for its location and respects the balance required for conservation, landscaping, amenity, design and biodiversity policies.
- 9.3 The proposal is considered to be acceptable and justifies the granting of planning permission subject to conditions.

RECOMMENDATION

That planning permission be **GRANTED** subject to the conditions set out below:

1. Three Year Time Limit (1T12)
2. Approved Plans (2E10)
3. Samples of materials (2E12)
4. Withdrawal of P.D. (Part 1 Class A) (2E20)
5. Withdrawal of P.D. (Part 2 Class A) (2E21)
6. Withdrawal of P.D. (Part 1 Class E) (2E22)
7. Details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of

development, and no external lighting shall be provided without such written consent. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area, and in accordance with policy ENV23 of the East Herts Local Plan Second Review April 2007.

8. Prior to the first occupation of the development hereby permitted, spaces shall be provided within the application site for the parking of cars as shown on the plans accompanying the application and such spaces shall be retained at all times for use in connection with the development hereby permitted.

Reason: To ensure adequate off street parking provision for the development, in the interests of highway safety, in accordance with policy TR7 and Appendix II of the East Herts Local Plan Second Review April 2007.

9. Tree/hedge retention and protection (4P05)
10. Prior to the commencement of the development, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Proposed finished levels or contours (b) Means of enclosure (c) Car parking layouts (d) Other vehicle and pedestrian access and circulation areas (e) Hard surfacing materials (f) Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting) (g) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines, etc. indicating lines, manholes, supports, etc.) (h) Retained historic landscape features and proposals for restoration, where relevant (i) Planting plans (j) Written specifications (including cultivation and other operations associated with plant and grass establishment) (k) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (l) Implementation

timetables. Thereafter the development shall proceed in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

11. The landscape plan shall include details of planting along the northern boundary. All new trees and shrubs included in the landscaping scheme shall be predominantly native species (excluding Ash).

Reason: To promote biodiversity and ensure the proposal is in accordance with policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

12. In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 0730hrs on Monday to Saturday, nor after 1830hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.

Reason: To safeguard the amenity of residents of nearby properties, in accordance with policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007.

13. Before the new dwelling unit is occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking and turning of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

14. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the

development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular(but without prejudice to the foregoing) efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all lorries leaving the site

Reason: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.

15. The development hereby permitted shall not begin until a scheme to deal with contamination of land and/or groundwater has been submitted and approved by the LPA and until the measures approved in that scheme have been fully implemented. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing:
 1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The requirements of the LPA shall be fully established before the desktop study is commenced and it shall conform to any such requirements. Copies of the desk-top study shall be submitted to the LPA without delay upon completion.
 2. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until:
 - (i) A desk-top study has been completed satisfying the requirements of paragraph (1) above;
 - (ii) The requirements of the LPA for site investigations have been fully established; and
 - (iii) The extent and methodology have been agreed in writing with the LPA.

Copies of a report on the completed site investigation shall be submitted to the LPA without delay on completion.

3. A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person. No deviation shall be made from this scheme without the express written agreement of the LPA.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework.

16. The rooflights proposed shall be flush with the roofslope.

Reason: To ensure the appearance of the dwelling is satisfactory.

Informatives

1. Other Legislation (01OL)
2. Street naming and numbering (19SN)
3. Further simple biodiversity enhancements could be expanded to include bat and bird boxes in trees, integrated bat roost units (bricks and tubes) in building(s), specific nest boxes for swifts, swallows and martins, refuge habitats (e.g. log piles, hibernacula) for reptiles and invertebrates, hedgehog boxes, gaps under fencing to allow free movement of small mammals (e.g. hedgehogs) and amphibians, sowing of wildflower area, etc.
4. Please note there may be reptiles and amphibians on the site so grass should be kept as short as possible up to, and including, the time when the works take place so that it remains / becomes unsuitable for reptiles or amphibians to cross. Caution should be

taken when moving debris piles or building materials as any sheltering animals could be impacted on and if a reptile or an amphibian (with exception of a Great crested newt) is found, then it should be moved carefully out of harm's way. In the unlikely event that a Great crested newt is encountered during works, works must stop immediately and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.

5. The removal or severe pruning of trees and shrubs should be avoided during the bird breeding season (March to August inclusive [Natural England]) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than 3 days in advance of vegetation clearance and if active nests are found, works should stop until the birds have left the nest.

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; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.