

**3/10/1458/FP – Replacement dwelling at Edgewood Farm, Broxbourne Common, Broxbourne, EN10 7QS for Mr. D Feltham.**

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**Date of Receipt:** 10.08.2010

**Type:** Full - Minor

**Parish:** BRICKENDON LIBERTY

**Ward:** HERTFORD HEATH

**RECOMMENDATION**

That planning permission be **REFUSED** for the following reasons:-

1. Within MGB – EHLP (R021)
2. The proposed replacement dwelling would be more visually intrusive than the dwelling to be replaced and would thereby impact on the openness of the Green Belt and the character and appearance of the surrounding rural area contrary to policies GBC1 and HSG8 of the East Herts Local Plan Second Review April 2007.

\_\_\_\_\_ (145810FP.HI)

**1.0 Background**

- 1.1 The application site is shown on the attached OS extract and comprises a small detached bungalow located near the entrance to the site adjacent to Cock Lane, along with two barns, a manege and paddocks in relation to the approved stud farm use of the site.
- 1.2 The site is located in the Green Belt, set amongst scattered dwellings and farmsteads. Paradise Wildlife Park is located to the west. Land to the east of the site comes under the jurisdiction of Broxbourne Borough Council.
- 1.3 This application is for a replacement dwelling of contemporary design with a walled garden, and vehicular access from an existing field access off Cock Lane. The site edged red on the site plans amounts to almost 1 hectare and includes the barns, existing dwelling and paddocks.
- 1.4 The application has been brought to Committee at the request of Councillor William Ashley.

## 3/10/1458/FP

### **2.0 Site History**

- 2.1 Members may recall that this site is the subject of a lengthy planning history, mainly related to barns and the use of the site. Recent application 3/09/1889/FP granted consent for a change of use to a stud farm and training yard with a manege, and retrospective permission for a barn.
- 2.2 The existing bungalow was originally granted consent as a residential dwelling under planning reference 3/86/1969, subject to a legal agreement restricting occupation to an agricultural worker, and Condition 1 withdrawing Class A permitted development rights. The building had originally been constructed as an agricultural store and had been used intermittently as residential accommodation following the removal of an earlier unlawful caravan that was refused consent under reference 3/79/0274.
- 2.3 An application for a replacement dwelling was then refused in 1989 (3/89/0047) and dismissed by an Inspector at appeal. This was primarily on the grounds that there was no agricultural need for a larger dwelling on this site having regard to the agricultural worker restriction.
- 2.4 In 1990, an application was then refused for extensions and raising of the roof (reference 3/90/1664) on the grounds that the enlargements would be substantial and the higher roof would be more conspicuous in the Landscape Conservation Area. Again, the Inspector concluded that no agricultural need had been demonstrated for the larger dwelling.
- 2.5 Then in 2000, an appeal was allowed (following refusal by the Council of application 3/98/1365/CL) for a Lawful Development Certificate confirming that the dwelling had become lawful without complying with the agricultural occupancy condition 4 years prior to application 3/86/1969 being granted. That consent, which included removal of Class A permitted development rights, was therefore “not relied upon or implemented”. The existing bungalow is therefore a lawful dwelling with no agricultural occupancy restriction, and benefiting from full householder permitted development rights.
- 2.6 More recently, in 2002, an outline application for a replacement dwelling was refused consent under reference 3/02/2275/OP on the grounds that the replacement dwelling would significantly exceed the size and bulk of the existing dwelling to the detriment of the openness of the Green Belt. An additional reason for refusal related to impact on the Landscape Conservation Area, but this designation no longer exists in the Local Plan.

- 2.7 This application has arisen out of pre-application discussions with Officers where changes have been made to the scale, siting and design of the building; however Officers continued to raise concerns over the visual impact of the development.

### **3.0 Consultation Responses**

- 3.1 The Environment Agency comment that the main flood risk at the site is the management of surface water run-off and ensuring that drainage from the development does not increase flood risk either on-site or elsewhere. Their Flood Risk Standing Advice should be used for consultation on their website, which recommends sustainable urban drainage systems. An Environmental Permit will also be required under the Environmental Permitting Regulations 2010 unless an exemption applies.
- 3.2 County Archaeology comment that archaeological investigations of application 3/09/1889/FP recorded evidence of activity of post-medieval date. The site lies in Area of Archaeological Significance No. 327 which includes evidence of an extensive landscape of co-axial boundaries of pre-medieval and probably pre-Roman date. The area also includes a stretch of Roman road known as Ermine Street immediately adjacent to the site of the proposed dwelling and access. A condition for archaeological work is therefore recommended.
- 3.3 County Highways do not wish to restrict the grant of permission subject to conditions on constructing the access prior to occupation of the new dwelling. They comment that the application will not have a significant impact upon highway safety or capacity. The proposal is unlikely to lead to additional traffic movements, sufficient parking and vehicle turning space will be retained, and although use of an existing access is proposed it is noted that the construction material will be improved.
- 3.4 Environmental Health raise no objection subject to conditions on construction hours of working, bonfires, and contaminated land.
- 3.5 The Council's Landscape Officer recommends consent subject to conditions on landscape design proposals. He comments that there will be no impact on trees. No objection is raised to the indicative landscaping proposals but he advises there are missed opportunities in terms of landscape improvements as part of the development, including the opportunity for tree planting on the site of the existing dwelling, removal of the leyland cypress and close boarded fence along the roadside verge, and replanting roadside hedgerows with appropriate species.

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

4.1 Brickendon Liberty Parish Council has no objection to the application provided that the existing bungalow is removed as soon as possible after the completion of the new one.

#### **5.0 Other Representations**

5.1 The applications have been advertised by way of press notice and site notice.

5.2 No letters of representation have been received.

5.3 Correspondence has been received from the applicant's agent commenting that the property to the south has morphed from White Stubbs Bungalow to White Stubbs Manor, and has moved some 30m into the site, which is material in light of the issue of visual intrusion. He also comments that this 15 acre site is characterised by having two substantial neighbouring properties clearly in view from the existing bungalow and visual intrusion does not apply.

#### **6.0 Policy**

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

SD2	Settlement Hierarchy
GBC1	Appropriate Development in the Green Belt
GBC14	Landscape Character
HSG8	Replacement Dwellings in the Green Belt and Rural Area Beyond the Green Belt
TR2	Access to New Developments
TR7	Car Parking – Standards
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV11	Protection of Existing Hedgerows and Trees
BH1	Archaeology and New Development
BH2	Archaeological Evaluations and Assessments
BH3	Archaeological Conditions and Agreements

6.2 In addition to the above it is considered that the following Planning Policy Statements/Guidance Notes are considerations in determining this application:

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS3	Housing
PPS5	Planning for the Historic Environment
PPG13	Transport
PPS23	Planning and Pollution Control

## **7.0 Considerations**

### **Principle of Development**

- 7.1 The site lies within the Metropolitan Green Belt wherein replacement dwellings will only be permitted in accordance with the criteria set out in policies GBC1 and HSG8. The main issues in this case therefore relate to the principle of the development, impact on the character and appearance of the surrounding area and openness of the Green Belt, landscape impacts, and parking and access.
- 7.2 First, the dwelling has a lawful residential use unencumbered by a previous agricultural occupation, and benefiting from full householder permitted developments rights as confirmed under application 3/98/1365/CL.
- 7.3 Second, replacement dwellings are only permitted in circumstances where the original dwelling is of poor appearance or construction not capable of retention, and not contributing to the character and appearance of the surroundings. The building is believed to have been constructed as an agricultural store and is considered to be of poor appearance and construction as a residential dwelling. Officers are aware that the building provides poor living conditions for the Feltham family. The principle of replacing this dwelling is therefore considered to be acceptable. Demolition of the existing dwelling could be satisfactorily dealt with by planning condition.
- 7.4 Third, the volume of the new dwelling should not be materially larger than the dwelling to be replaced, plus any unexpended permitted development (PD) rights. In this case, Officers have calculated that the existing building has a volume of approximately 303m<sup>3</sup>. It has not been extended and would therefore benefit from PD rights for full length single storey side extensions up to half the width of the original dwelling (which would effectively double the size of the existing dwelling), and a single storey front extension up to the western boundary of the site, not covering more than 50% of the residential curtilage.

### 3/10/1458/FP

- 7.5 Although there is some question over the extent of the lawful residential curtilage of the dwelling to the west, Officers have calculated that the dwelling could lawfully be extended up to at least 1,135m<sup>3</sup> in volume. The proposed replacement dwelling would have a volume of approximately 1,468m<sup>3</sup>, which amounts to an increase of some 29% over and above the size of the original dwelling plus unexpended PD rights. On the basis of these calculations, it is not considered that the replacement dwelling would be materially larger than existing in accordance with HSG8(b).
- 7.6 However, the final criteria of policy HSG8 is that “the new dwelling is no more visually intrusive than the dwelling to be replaced.” In this case, the new dwelling is proposed with a small first floor room, and therefore with a maximum ridge height of 5.7m, compared to approximately 3.5m as existing. This represents a difference of some 2.2m, or a 63% increase in ridge height. It is acknowledged that the roof of the replacement dwelling is proposed as a series of hipped roofs to reduce its bulk. However, when compared to the low, simple gable pitched roof of the existing bungalow, the replacement dwelling is considered to be more visually intrusive than existing.
- 7.7 Further, the replacement dwelling is proposed to be sited in what Officers consider to be a more visually intrusive location. The new dwelling is proposed approximately 30m south of the existing dwelling, and 19m away from the road, sited within an existing paddock and exposed to wider views. The existing dwelling is located adjacent to the road and existing vehicular access with barns to the west. However, the new dwelling is proposed in a more prominent location, extending the built development of Edgewood Farm to the south. This spread of development, combined with the increased height and scale of the building results in a more visually intrusive form of development contrary to policy HSG8(c).
- 7.8 Whilst it is acknowledged that there are larger two storey dwellings in the surrounding area, as pointed out by the applicant’s agent, the test in HSG8(c) specifically relates to whether the new dwelling is more visually intrusive than that which it replaces, not neighbouring surrounding dwellings. Unfortunately, the smaller and less intrusive a dwelling is originally, the less potential it has to be extended or replaced without harming the Green Belt.
- 7.9 Overall, therefore, Officers consider that the new dwelling, given its scale and siting, would be more visually intrusive than the existing bungalow, thereby impacting on the openness of the Green Belt. The proposal therefore conflicts with policy HSG8 for this reason and amounts to inappropriate development in the Green Belt contrary to policy GBC1.

### 3/10/1458/FP

- 7.10 It is also material to note that there have been previously refused applications to extend or replace this bungalow, although many related to the agricultural justification prior to confirmation that the occupancy restriction no longer applied. However, outline consent was refused in 2002 (3/02/2275/OP) for a single storey replacement dwelling of some 160m<sup>2</sup> floorspace, and although no information was provided on the height of the new roof, the application was refused on the grounds that the size and bulk of the new dwelling would harm the openness of the Green Belt. That replacement dwelling was proposed in a similar location to the existing dwelling and is significantly smaller than that now proposed (approximately 400m<sup>2</sup> footprint is now proposed compared to 107m<sup>2</sup> existing and 160m<sup>2</sup> previously refused).
- 7.11 In terms of curtilage, a large site area is edged in red on the application drawings amounting to almost 1 hectare. No curtilage is defined on plan for the residential dwelling, and Officers would be concerned over the incorporation of all this land within the residential curtilage as this would impact on the character and appearance of the surrounding open rural area and Green Belt. However, Officers are satisfied that this issue could be controlled through a suitably worded planning condition requiring the submission of a plan defining a more restricted residential curtilage, including details of appropriate boundary treatments and landscaping.
- 7.12 Finally, it is acknowledged that the current bungalow provides poor living conditions for the current occupiers, particularly during these cold winter months. However, Officers raise no objection to the principle of replacing the existing dwelling. It is the scale and siting of the new dwelling which is considered to be unacceptable, and the current living conditions do not provide such very special circumstances to allow for this inappropriate development in the Green Belt. Officers are not aware of any other very special circumstances that clearly outweigh the harm by reason of inappropriateness.

#### **Design, Appearance and Landscaping**

- 7.13 In terms of design, the dwelling is proposed to be a contemporary construction, formed of white render walls and slate tiled hipped roofs with a central glazed lantern section. Extensive glazing would be used throughout the dwelling, particularly taking advantage of solar gain from the south. The dwelling is proposed to be surrounded by architectural pools to the south and west of the building, with a landscaped garden to the southeast. A walled garden is proposed to the north of the dwelling bordered by a 1.8m high wall and planting.

- 7.14 Overall Officers consider the principle of a contemporary design to be acceptable in this relatively remote location, and the detailed design and appearance is considered to be of a high quality. The proposal is therefore considered to comply with policy ENV1. It is also acknowledged that the replacement dwelling is likely to be more sustainable and energy efficient than the existing dwelling; however this is not considered to amount to a very special circumstance to justify inappropriate development.
- 7.15 Indicative landscaping is shown on the submitted plans to ensure a high quality development, and no objection has been raised by the Landscape Officer subject to a condition on detailed landscaping design proposals. This would include a requirement for additional vegetation screening, and enhanced hedgerow planting along the roadside.
- 7.16 The site lies in Landscape Character Area 61 'Broxbournebury' which is characterised by parkland and mixed farmland with small areas of woodland scattered throughout. Subject to a requirement for additional screening, it is not considered that any harm would arise to the landscape character of the surrounding area. It is material to note that the Landscape Conservation Area included in the refusal of previous applications for extensions or replacement dwellings on this site are no longer applicable.

### **Access and Parking**

- 7.17 Vehicular access is proposed from an existing field access off Cock Lane. The main entrance is currently located further north on Cock Lane and is formed of brick piers and gates reduced and altered following refusal of an earlier retrospective application (3/07/0066/FP). It is proposed to widen and re-surface the field access to provide a separate access to the new dwelling. The existing gated access would continue to provide access to the commercial part of the site. Whilst this results in two sets of built-up access with walls and gates, the new entrance gates are indicated on the site plan at 9m into the site where enclosures up to 2m high could be considered to be permitted development under Part 2, Class A.
- 7.18 In terms of parking, 7 no. spaces are shown the floorplan drawings, but this has been amended to 4 no. spaces on the site plan following pre-application advice. 3 no. spaces is the maximum for a 4 bed dwelling in this location. 7 no. spaces would be excessive, but it is not considered that the proposed provision of 4 spaces would be harmful. Although the drawings are inconsistent in this respect, Officers consider that the parking layout could be dealt with by condition, along with the landscaping of the site.



### **Other Matters**

- 7.19 This proposal will have no impact on the amenities of any neighbouring occupiers given the distances between. The proposal will also provide for an adequate level of amenity for the future occupiers.
- 7.20 The site lies within an Area of Archaeological Significance and is likely to impact on archaeological remains. However, Officers are satisfied that this could be appropriately controlled by way of a programme of archaeological work through a planning condition.
- 7.21 A brief survey of land contamination has been undertaken and Environmental Health are satisfied that this is acceptable in accordance with PPS23.

### **8.0 Conclusion**

- 8.1 Overall, Officers accept that the proposal meets much of the criteria of policy HSG8 for replacement dwellings in the Green Belt. There is no objection to the principle of a replacement dwelling, and no objection to the principle of the proposed volume. However, the final criterion of HSG8 is equally important, and this requires that the new dwelling is no more visually intrusive than the dwelling to be replaced. As a result of the increased height and scale of the building, and its siting in a more exposed location, Officers consider the proposal to be more visually intrusive than the existing dwelling, contrary to Green Belt policy. No very special circumstances are evident that clearly outweigh the harm by reason of inappropriateness.
- 8.2 The application is therefore recommended for refusal for the reasons set out above.