DELEGATED FILE NOTE

CASE OFFICER: ...Richard Tiffin.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
18/00451/FP	Detached 5-bedroom dwelling with detatched double garage and new access off Pudding Lane (variation of permission granted under ref 17/02530/1)	Land To The Rear Of Hilltop Pudding Lane Barley Hertfordshire SG8 8JX

Submitted Plan Nos

Location Plan; JUS/17/01; JUS/17/02D; JUS/17/03D; JUS/17/04A; JUS/17/05

1.0 Policies

LP6 Rural Areas Beyond the Green Belt

SECT12	Conserving and enhancing historic enviro
SECT7	Requiring Good Design
XHE1	Designated Heritage Assets

1.0 **Site History**

2.1 A planning application for a single dwelling was withdrawn in 2016.

2.2 Planning permission was granted in 2018 for a detached thatched dwelling **(first application)**. This submission seeks to increase the size of that approved dwelling.

3.0 **Representations**

3.1 **Barley Parish Council** has objected as follows:

Barley Parish Council objects to this application and when arriving at their decision wish NHDC to take the following comments into account:-

Despite the Parish Councils objections to the previous application for the site Planning Permission was granted for a 4 bedroom thatched property plus a garage on 13th December 2017 (ref. 17/02530/1). This current application is for an even larger 5 bedroom property and garage on the site. The proposed development will have a footprint in excess of 27% bigger than the recently approved development and we consider that the scale and bulk of this proposal to be excessive and unacceptable in this location. The Conclusion to the planning officer's Delegated File Note in respect of the approved development refers to the consented proposal being "….the development of a modest vernacular dwelling within an existing garden……..The new dwelling would affect an improvement in the visual amenities of the area…." . This latest proposal cannot be considered "modest" by any stretch of the imagination and neither can it be claimed to be an improvement to the visual amenities or character of the area.

While the site lies outside the Barley Conservation Area it actually adjoins it and we believe the scale of this proposal will have a significant and detrimental effect on the Conservation Area. The site is elevated compared to the surrounding area to the North ,all of which lies within the Conservation Area and the proposal will be very visible. Following the grant of the recent permission on 13thDecember

2017 the site has been cleared of vegetation, in readiness for construction, including most of the established planting to the boundaries. There is now little visual protection of the site to the North or West or indeed to the Southern boundaries. Consequently we repeat our previous comments concerning this site that we consider that there will be overlooking issues as a result of the development of the site, exacerbated by the removal of most of the established planting to the boundaries.

Well used public footpaths run along and adjoin both the north and western boundaries of the site. The existing 1.8m high close boarded fence to both of these boundaries is in a very dilapidated condition and is collapsing in places and will require replacement. In this connection the plans accompanying the application do not indicate whether a new fence is proposed to these two boundaries but it is noted that it is proposed to provide a new 1.5m high close boarded fence to the donor property. A replacement fence of this limited height to the northern and western boundaries would be wholly inappropriate and would cause even further visual harm to the area. If despite our objection to this proposal NHDC are nevertheless minded to approve the application we would ask that a condition be included in the consent to require that a replacement close boarded fence be provided to the northern and western boundaries of a height of at least 2m.

In conclusion we repeat that in our view the scale and bulk of this proposal is excessive and will have a significant detrimental effect on the Barley Conservation Area and should in our view be refused.

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3.2 **Hertfordshire Highways / Rights of Way** (RoW first application) - No objection from the Highway Authority. HCC Rights of Way comment as follows:

- *Pudding Lane should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works.*

- *The safety of the public using Pudding Lane and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times.*

- *The condition of Pudding Lane should not deteriorate as a result of these works. Any adverse effects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) to be made good by the applicant to the satisfaction of this Authority.*

All materials to be removed at the end of the construction and not left on the Highway or Highway verges.

3.3 **Local Residents** – The occupier of 5 Crossways has objected for the following

reasons:

- Adverse impact on the setting of the Barley CA
- Dwelling too large leading to out of character development and social disadvantage.

The visual impact of the occupiers concerns can be summarised in my view by the last paragraph of the representation:

"The original application was for a considerably smaller 'modest dwelling'; the proposal is now for a property around 20% larger. Aside from the cynical view that this is simply driven by a desire to maximise profit, there has to be a point when the visual intrusion, sheer mass of the development and its impact on the surroundings become too much. I believe that has been reached and that this application should be refused."

3.4 **Env Health** - No objection subject to standard condition requiring provision of charging for EV and noise informative as per first application.

3.5 **Archaeology** - No objection subject to condition.

3.6 **Waste** (first application) - No objection but has commented as follows:

I advised the developer to show us that a full-sized refuse collection vehicle could access, turn and egress the site safely. He sent us a drawing and has since improved it in his plans. This could go a long way to restoring kerbside waste and recycling collections in Pudding Lane. He has also listened to our concerns about the pull distance for the bins, for the house behind Hilltop, and the surface make up of the drive, and adjusted accordingly.

An informative was recommended.

On being consulted on the second application the waste team upgraded the above to a condition requiring submission of waste freighter turning plan.

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 Application site at top of Pudding Lane to rear of property Hilltop within garden. Strong hedged boundary to south with paddock field beyond.

4.2 Proposal

4.2.1 Proposal seeks permission to amend an approved scheme for a detached dwelling by extending the footprint by some 2.5m increasing the length of the dwelling to 15.5m. The proposed extension would be boarded, tiled (this was suggested as an amendment) and set below the main thatched ridge slightly as if added at a later date – as might be typical of a historic building.

4.3 **Key Issues**

4.3.1 The determination of this application requires an assessment as to whether the extended property raises issues of harm not present in the determination of the approved scheme. In my view these 'new' issues would centre on the following matters:

- Design
- Impact on setting of Conservation Area
- Other matters

4.3.2 The amended scheme proposes a traditional thatched dwelling with a 3.5m extension differentiated by being slightly lower than the main ridge and specified in boarding and pan tiles. Public views the building will be limited to the roof scape and on this basis I can see no grounds for objecting to what will still be a traditionally designed and executed thatched dwelling with rolled pan tile extension.

4.3.3 Some concern has been expressed about the impact of the larger dwelling on the setting of the adjacent conservation area. I understand this concern but must be focused only with the proposed addition and whether it would, in combination with the approved scheme, result in an injury to the setting of the historic asset and further how much this harm, if identified, would weigh in the planning balance.

4.3.4 The proposed extension would undoubtedly have some impact in the limited views of the site afforded from local public areas, including the footpath which runs immediately to the north and separates the dwelling from the next nearest dwelling Pye Corner. Further, I am sympathetic to the view that the increased 'bulk' and 'mass' of an extended thatched roof would give rise to some additional impact. I was concerned that this increase in mass would be magnified by the design of a somewhat uncharacteristically long thatched cottage. Following discussions with the agent it was agreed that the integrity of the originally approved and modest thatched cottage be maintained and the proposed extension be specified with a traditional rolled tiled roof instead. This would have the visual effect of preserving the modest proportions of the thatched element and would, in my view, be more typical of an historic addition to such a cottage. This in turn would present a more vernacular building when viewed from the conservation area. The donor property is not a positive building on the edge of the conservation area. However, it is my view that the amended proposal would be. Moreover, the planning application would allow the authority to control the erection of class E buildings and further extensions – an ability which would not be available had the area remained the garden of the donor property. This would effectively protect the setting of the conservation area from large curtilage buildings not requiring planning permission going forward.

Other matters.

4.3.5 There is no obvious issue in relation to either contamination or noise and the all conditions previously imposed will be re- imposed including the removal of all pd rights.

Discussion of 'planning balance'.

4.3.6 In circumstances where a local authority does not have an up to date plan and where it can not demonstrate a 5 year supply of housing land, the Government, as set out in the NPPF, is clearly of the view that the balance of any planning decision should be weighted in favour of granting permission unless the harm in counter balance is significant and demonstrable. Both benefit and harm comprise those matters which the NPPF classifies under the general sustainability headings **economic**, **social** and **environmental**. While it is acknowledged that the Council's Plan is well advanced, indeed it is currently being examined, I am of the view that limited weight can be attributed to the claim that a five year supply is demonstrable until such time as the plan has been formally examined and adopted.

4.3.7 Unlike the two dwellings approved on the other side of the Lane recently, the position scale and design of this dwelling will occasion very little visual impact. My previously expressed view that the thatched design will be the only truly visible element of the building (the roof) and would enhance the visual amenities of the area and represent an improvement in the character of the locality remains. The introduction of an increasingly rare but vernacular architectural feature is a positive. The proposed addition, if thatched, would have been a retrograde step in my view. However, now it is specified in tile I consider it as a interesting and vernacular addition which will actually enhance the setting of the conservation area. The removal of pd rights is also an advantage in this regard as it enable the Authority to take control of what would otherwise be a large garden with the rights to cover up to 50% with buildings.

4.3.8 A representation has been received which suggests that the larger building would be socially harmful in that it is a missed opportunity to deliver affordable housing. I am sympathetic to this concern. However, the requirement for affordable housing is set far above one unit. Further, I can see no material difference between the approved scheme and this in affordable market terms. Further, it is likely to be family housing and this will undoubtedly support services in the village – a key aim of the NPPF.

4.3.9 In these circumstances, I am of the view that any fair assessment of the planning balance would lead to a conclusion that the benefits of this addition are not significantly outweighed by the harm. This view is qualified by the addition of conditions including the removal of permitted development rights.

4.4 **Conclusion**

4.4.1 That permission be approved subject to conditions.

5.0 **Recommendation**

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

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

   Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

   Reason:To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended no development as set out in Class(es) A to E of Part 1 of Schedule 2 to the Order, (or any subsequent Statutory Instrument which revokes, amends and/or replaces those provisions) shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.

   Reason: Given the nature of this development, the Local Planning Authority considers that development which would normally be "permitted development" should be retained within planning control in the interests of the character and amenities of the area.

4. A No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
   1. The programme and methodology of site investigation and recording
   2. The programme and methodology of site investigation and recording as required by the evaluation
   3. The programme for post investigation assessment
   4. Provision to be made for analysis of the site investigation and recording
   5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
   6. Provision to be made for archive deposition of the analysis and records of the site investigation
   7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

   B The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation

approved under condition (A)
C The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

5. No development shall commence until further details of the circulation route for refuse collection vehicles have been submitted to the local planning authority and approved in writing. The required details shall include a full construction specification for the route, and a plan defining the extent of the area to which that specification will be applied. No dwelling forming part of the development shall be occupied until the refuse vehicle circulation route has been laid out and constructed in accordance with the details thus approved, and thereafter the route shall be maintained in accordance with those details.

   Reason - To facilitate refuse and recycling collections.

6. Prior to occupation, the residential property shall incorporate an Electric Vehicle (EV) ready domestic charging point.

   Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed  Simon Ellis Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 9 May 2018	