DELEGATED FILE NOTE

CASE OFFICER: ...Jo Cousins.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
18/01351/FP	Creation of new vehicular access with associated landscaping to new dwelling on the Land adjacent to the Elms	Land To The North Of Elm House The Causeway Therfield Hertfordshire SG8 9PP

Submitted Plan Nos

B10; SK01; B8 B;

1.0 Policies

LP7	Selected Villages Beyond the Green Belt

LP16	Areas of Archaeological Significance
SECN16	Conserve + enhance historic environment
SECN12	Achieving well-designed places
SPDVP	Vehicle Parking at New Development
XHE1	Designated Heritage Assets

2.0 Site History

2.1 Pre application advice given in relation to the principle of development on the site (ref 14/03279/1PRE). Planning permission approved for detached dwelling under ref 15/02914/1.

2.2 17/02020/1 – permission refused for the application which sought an independent means of access off The Causeway.

2.3 18/01351/FPH – submitted householder application which was subsequently substituted for the current full application as it was noted at the time of posting the site notice that the dwelling had not been occupied.

3.0 Representations

3.1 **Therfield Parish Council** – do not object to the application but make the following comments:-

a) Access onto the Causeway should have clear visibility as it is the main thoroughfare through the village, which is busy. Plus it is in close proximity to school designated parking, with the dropping off and picking up of children along this part of road all day. This is quite a haz-ardous section of road, which we want to keep safe, for children and drivers alike.

b) We consider it sensible to have independent access to each property. Documents say that The Elms has to maintain its historical standing and a shared drive is not conducive to that end. There is the question of responsibility of the drive's maintenance if it was shared which is not mentioned as a consideration for keeping The Elms as a historical site.

Therfield Parish Council is always concerned regarding access points through established hedges in the area.

3.2 **Hertfordshire Highways** - No objection subject to the imposition of two conditions and additional highway informatives/advisory notes.

3.3 **Local Residents/representations**

3.3.1 The occupiers of **Orchard House** and **Castlefield, Pedlars Lane** and **3 Fordham Terrace**,and **Beacon Field House, The Causeway** have written individually expressing support of the application on the following grounds:-
1. It will be much better for peak time traffic at the school (opposite) and will also be safer to have an entrance further up the lane from the school.
2. Access is appropriate to the new development.
3. It will be easier for large delivery vehicles.
4. It would not be detrimental to the general ambience of The Causeway and surrounding landscape.
5. It is further from the junction with Pedlars Lane so would improve highway safety.
6. Loss of the hedge can be appropriately mitigated.
7. The gap in the hedge provides interesting views into the site.

See letters in Anite/website for full details.

3.3.2 **Therfield First School** - support to the proposal on the following grounds:-

The reason I feel strongly about this is because my school (Therfield First School) is situated directly opposite the Elms' Driveway. I have grave concerns about the following:

- ***Staff and parents have to park on the road opposite the driveway entrance - which effectively becomes single track to all through traffic.***
- ***Visibility is poor to the south of the school where there is a bend and a junction.***
- ***It would seem to serve no purpose to further increase traffic on this pressure point by making the new dwelling share the Elms' driveway when the proposed access to the new dwelling takes traffic away from the school and therefore must be safer for all road users but especially for parents and children arriving or leaving school. Our children have to walk along the outskirts of the road due to a lack of pavements.***
- ***The existing driveway is directly opposite the only carpark for the school. Cars enter and exit the carpark regularly.***

The safety of the school pupils must be considered and be my paramount consideration. I therefore urge you not to make this stretch of road any more difficult than it already is.

3.4 **Archaeology** - No objections and make the following comments:-
The proposed development is located within an Area of Archaeological Significance, as identified in the Local Plan. Several previous phases of archaeological evaluation and mitigation have taken place on site in advance of the construction of the new house under planning ref. 15/02914/1 (KDK Archaeology 2017). This archaeological work identified archaeological features of some significance dating to the Anglo-Saxon and medieval periods, including a silver Saxon coin of Aethelred II.
This permanent vehicular access route was archaeologically investigated during the archaeological mitigation works for the previous planning application, and the findings

included in an addendum to an interim report submitted by the applicant. Please note that the version of the interim archaeological report included by the applicant with the present application documentation does not contain that addendum – I have therefore attached the updated version of the report to my email.
As the archaeological works have been carried out (and no archaeological features found), and the results included in a report, I do not believe it is necessary to attach archaeological conditions to this application, should planning permission be granted.

3.5 **Senior Conservation Officer** – maintains an **OBJECTION** on the basis that the proposal will fail to satisfy the provisions of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as supported by the aims of Section 16 of the revised NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011-2031 (Proposed Submission, October 2016).

3.6 **HCC** - Fire Hydrant request for contributions.

4.0 Planning Considerations

4.1 **Site and Surroundings**
4.1.1 The application site currently forms part of the large garden of The Elms (formerly Elm House) fronting the Causeway. The nearest property, which stands adjacent to the proposed development site, is Beacon Field House.
Planning permission exists for the newly constructed dwelling utilising the existing access to The Elms. The new dwelling has been substantially complete but has not been occupied.

4.2 **Proposal**

4.2.1 The application proposal seeks permission for the creation of a new vehicular access to serve the newly constructed dwelling on land adjacent to the Elms. The access has been altered so that it does not share with the donor property. A Heritage Statement has been submitted and details of the highway realignment and replacement highway boundary vegetation.

4.3 **Key Issues**

4.3.1 The key issue in this case is whether there has been any change in circumstances since approving the now partially implemented scheme approved under 15/02914/1 and the refusal of permission under reference 17/02020/1. In my view the only material difference in the re-positioned access and the impact this might have on the appearance and the character of the conservation area, is the submission of a Heritage Statement and the fact that a section of hedge has been ripped out during the construction. In this regard the Council's conservation officer has been consulted and comments as follows:-

I previously commented under appn ref: 17/02020/1 for *'Erection of 1 x 3 bed detached dwelling and detached double garage. Creation of new vehicular access off of The Causeway (variation of permission granted under ref 15/02914/1)'* which was refused. An appeal has been lodged and is currently before the Planning Inspectorate. Since that application was submitted, Heritage and Planning Statements have been prepared to support the current proposal. Prior to the part implementation of the scheme under ref: 15/02914/1 for the erection of a four bedroom dwelling with access off The Elms, the streetscene appeared as shown in the images below from Google Maps in which the hedgerow and well-treed boundary that I have previously referred to, are noted.

I have read the submitted Heritage Statement and I note the opening sentence at 5.23 of that document where it reads *"The poor, insubstantial hedging fronting the new dwelling would be replaced and, together with the new entrance, constitute an enhancement…."*. Where is the evidence to suggest that this is 'poor and insubstantial'?

I note at 4.4 and 4.5 the following:

"However, a map regression exercise from the nineteenth century illustrates more recent alteration and change to both The Elms and its wider locale. Clearly evidenced by an OS extract of 1877, The Elms is shown to be set within a landscaped, highly verdant garden (Figure 9). By the late nineteenth century, an access provided off The Causeway is more clearly shown; the winding route of which is more definite, as is the thinning and modification of what was previously a heavily treed garden for what is assumed to be primarily aesthetic effect."

"Where the drive has been made more definite and tree cover substantially thinned, the overall effect has been to alter perceptions of the property from both the main road and the approaching drive. From here the principal, front elevation of the property is effectively unveiled only gradually and only once this winding access has been traversed (Figure 10). This configuration – i.e. the principal, host property framed within a landscaped garden beyond a winding private access – remained intact throughout the twentieth century".

The reasoning behind objecting to appn ref: 17/02020/1 was predicated on seeking to retain the existing verdant frontage and somewhat 'downplaying' the existence of the new house within the grounds of The Elms when viewed from the highway. Whilst I accept the points made at 4.8 and 4.12 of the Heritage Statement that:

- **i) an associated appraisal is yet to be published by North Hertfordshire District Council; thus no direction presently exists regarding those elements of the conservation area it is deemed desirable to preserve or enhance and**
- **ii) the principle of development and the inherent impingement of this upon the setting of the listed building has already been established as acceptable,**

neither of these matters address the fact that the access will have a significantly greater impact upon the streetscene whilst the enlarged garden area will further reduce the landscaped grounds to The Elms as can be seen in the comparison between approved and proposed schemes below.

At 5.9 the Heritage Statement goes on to say *"…. implementation of the currently approved access and its associated removal of a number of healthy mature trees would have equally negative impacts upon the character and appearance of the conservation area; that being where Historic England states that 'local authorities are under a duty to preserve or enhance the character or appearance of conservation areas as a whole. A key part of that character and appearance may be the trees'."*

Under ref: 15/02914/1, the case officer wrote the following *"…The grounds of Elm House are essentially laid out as garden and while there would be the loss of three trees, I can not conclude that this would amount to significant harm to the limited ecological value*

of the area". **No Arb Report appears to have been submitted with that application but I note that tree nos.14, 59 and 61 were down to be removed.**

The Planning Statement says that *"Proposed access will not require the removal of trees important to the Conservation Area".* Trees 59 and 61 would be removed in both the approved and current scheme so the difference with regard to trees coming down relates to the loss of tree no.14 and this tree has not previously been regarded as 'important to the conservation area' by the former case officer.

Finally, at 5.24, the HS states that:

"Irrespective of this clear lack of harm, public benefit would nevertheless occur in the form of i) the improved boundary treatment and therefore streetscape; ii) the retention and supplementing of trees; and iii) in contrast to that being formerly proposed, the implementation of a safer, far more legible and authentic relationship between new dwelling and its relationship with the wider townscape would be established as a straightforward matter of good design."

I agree that the access would be more legible for the new build but would it be safer? It may be a subtle point but the Highway Authority has considered that the new access would not have an unreasonable impact on the safety of highway users passing the site.

4.3.2 I have considered the views of the conservation officer and I concur with his assessment that apart from referencing the Heritage Statement, the circumstances for this application have not materially changed from that currently under consideration by the Planning Inspectorate. The introduction of a separate access to this property will act to 'divorce' it in appearance from the donor property to the detriment of the setting of that property and the established character of the conservation area.

4.3.3 I have noted that the Highway Authority and local residents are in support of the application. The Highway Authority confirm that the traffic generation and the impact on the local highway network should not be significant or detrimental subject to conditions. However they also supported the original application utilising the existing access. Moving the new access away from that to The Elms, by some 25m to the north may have a perceived benefit to local residents as they have expressed. However, in practice this may just result in an additional driveway to be preserved at peak parking times for the school, thus not really solving an issue in my view.

4.4 **Conclusion**

4.4.1 . In the light of the undecided appeal the Local Planning Authority is tied to two courses of action, either refuse this application or simply not determine it until the appeal has been decided. However, given the continued conservation stance here I am satisfied that the circumstances have not materially changed since the refusal of permission in December 2017 and I have therefore framed a recommendation of refusal accordingly.

5.0 Recommendation

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

1. Whilst it is considered that the proposed dwelling itself would neither harm the setting of The Elms (formerly Elm House) or the character or appearance of the Therfield Conservation Area, the more generous allocation of garden land to the new dwelling together with the distinctly separate and engineered new access arrangements and opening up the landscape frontage would compete with the principal access to the site while eroding the established character of the street scene. This increased physical demarcation would result in a marked reduction in the sense of the new dwellings subordination to The Elms (Listed as Elm House). Consequently, the proposal would fail to make a positive contribution to local character (Para 192 c, NPPF) while also eroding the setting of the donor property (The Elms) and the character and appearance of this part of the Therfield Conservation Area. The degree of harm would be less than substantial but this is not outweighed by public benefits or be securing a designated heritage asset's optimum viable use (Para 196, NPPF) . Accordingly, it is considered that the proposal would fail to satisfy the provisions of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as supported by the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011-2031 (Proposed Submission, October 2016).

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through early engagement with the applicant at the pre-application stage. This positive advice has however been ignored and therefore the Council remains of the view that the proposal is unacceptable. Since the Council attempted to find solutions, the requirements of the Framework (paragraphs 186 and 187) have been met 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: 8 August 2018	