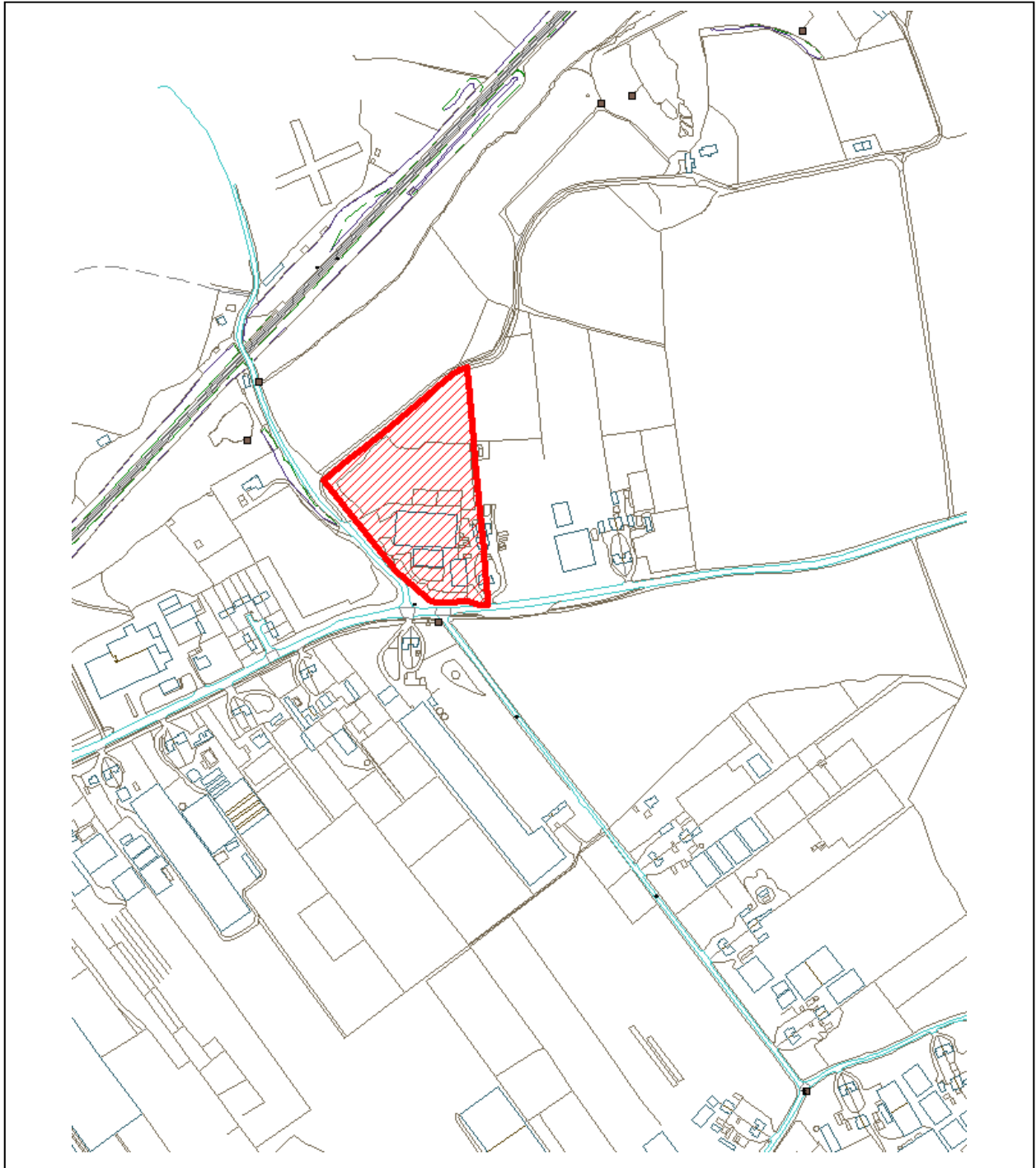


PLANNING COMMITTEE

5<sup>th</sup> NOVEMBER 2013

REPORT OF THE HEAD OF PLANNING

**A.3 PLANNING APPLICATIONS - 13/00876/FUL - 57 HARWICH ROAD LAWFORD, MANNINGTREE, CO11 2LP**



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<b>Application:</b>	13/00876/FUL	<b>Town / Parish:</b> Lawford Parish Council
<b>Applicant:</b>	Mr & Mrs O Forster	
<b>Address:</b>	57 Harwich Road Lawford Manningtree CO11 2LP	
<b>Development:</b>	Proposed replacement dwelling.	

## 1. **Executive Summary**

- 1.1 This application has been referred to the Planning Committee at the request of Councillor Gugliemi.
- 1.2 The application site is part of the Foxash Estate on Harwich Road between Ardleigh and Lawford. The area shown on the application site extends to a total of 2.4 hectares. The land includes a semi-detached dwelling on the southern part of the site and is otherwise open in a relatively isolated rural location. The site is bordered by a mixture of hedgerow, trees and fences. Nearby dwellings are sparsely, but regularly located along Harwich Road.
- 1.3 National planning policy is contained within the National Planning Policy Framework (NPPF). The NPPF promotes the principles of sustainable development through high quality design that respects the intrinsic character of the countryside. Proposals should ensure high standards of design and respond to local character, whilst being visually attractive as a result of good architecture and appropriate landscape design. As a result, the proposed development sits comfortably with the overarching sentiments of the NPPF.
- 1.4 The application site is located outside of any defined settlement boundary and relates to a replacement dwelling and as such the policy criteria of saved Local Plan (2007) Policy HG12 are relevant. The criterion relating to the relative proportion of the existing and replacement dwelling is not met. However, when considering that the neighbouring property has been significantly extended, a refusal of the current scheme is not considered reasonable. The other criteria of this policy are satisfied.
- 1.5 A similar, but smaller, proposal at 26 Harwich Road was granted planning permission under delegated powers in August 2012.
- 1.6 In rural locations, the visual impact on the landscape character of the countryside is an important consideration. To that end, the proposal benefits from a sympathetic visual design and substantial soft landscaping.

### **Recommendation: Approve**

#### **Conditions:**

1. Time limit for commencement – three years
2. Development in accordance with the plans
3. Demolition of existing property within 3 months of first occupation of proposed dwelling
4. Make good to neighbouring property
5. Landscape scheme
6. Vehicular turning facility to be retained in approved form
7. Parking spaces to be constructed to at least minimum size standards
8. Minimum internal measurements of double garage

9. Details of bicycle storage
10. No development before Construction Method Statement
11. Closure of existing access onto Harwich Road

## 2. **Planning Policy**

### National Policy:

National Planning Policy Framework (2012)

### Local Plan Policy:

Tendring District Local Plan (December 2007)

QL9            *Design of New Development*

QL10          *Designing New Development to Meet Functional Needs*

QL11          *Environmental Impacts and Compatibility of Uses*

HG12          *Extensions to or Replacement of Dwellings outside Settlement Development Boundaries*

Tendring District Local Plan Proposed Submission Draft (November 2012)

SD5            *Managing Growth*

SD9            *Design of New Development*

PEO4          *Standards in New Housing*

PLA5          *The Countryside Landscape*

### Other guidance:

Essex Parking Standards (2009)

Energy Efficiency and the Code for Sustainable Homes (level 4) (May 2008)

## 3. **Relevant Planning History**

- 3.1 97/00772/FUL – Change of use of land to garden. Withdrawn
- 3.2 00/00291/FUL – Change of use of land for the display and sale of fencing, sheds, posts, trellis, plant pots, timber decking and associated items and sale and display of plants grown on the premises. Refused

## 4. **Consultations**

- 4.1 Lawford Parish Council strongly objects as follows:

- It would set a precedent for other similar applications

- Officer response: Each planning application is determined on its merits. In this case a detached replacement dwelling at 26 Harwich Road and the size of the neighbouring property are material planning considerations.
- Proposal is contrary to policy for buildings outside development limits
  - Officer response: This is considered under Section 6 below.
- It is contrary to policy for agricultural dwellings
  - Officer response: This is considered under Section 6 below.
- A 4-bedroom detached house cannot be considered as a replacement for a 3-bedroom semi-detached house
  - Officer response: This is considered under Section 6 below.
- Why did the owner buy the property which was being run as a farm shop, did he not intend to run it as a farm shop or something along those lines or did he just buy it to do what is proposed.
  - Officer response: This is not a material planning consideration.
- The existing property is semi-detached what effect will have knocking down one half will have on the other half.
  - Officer response: This is considered under Section 6 below.
- More detail required of what is exactly going to happen to the existing house.
  - Officer response: The existing house will be demolished. This will be secured by a planning condition.
- Are we sure the existing property will be taken down and not sold on. Will there be a time scale on the demolition work required. What will happen if the demolition work does not happen?
  - Officer response: The existing house will be demolished within a fixed timescale. This will be secured by a planning condition. Failure to comply with the condition would be an enforcement matter.
- It will be built on the site of old greenhouses therefore are there caveats to knocking down the greenhouses and building a new dwelling as this is agricultural/horticultural land with greenhouses etc.? Are there any agricultural restraints on the proposed site of the new dwelling?
  - Officer response: There are no planning conditions to stop the demolition of existing greenhouses nor the construction of the proposed dwelling.
- The views and comments of the resident in the adjoining property must be considered. Will the planners be meeting with them?
  - Officer response: The neighbour has been consulted. There has been no response.
- Before any decision is taken site visits must be carried out to access the exact nature of the application.
  - Officer response: A site visit was undertaken on 21 August 2013.

#### 4.2 Principal Tree & Landscape Officer comments as follows:

- The proposed development will not result in the removal of any existing trees or other significant vegetation.
- The applicant has submitted a soft landscaping scheme showing new tree and hedgerow planting. If this planting is carried out the site will be well screened when viewed from the adjacent highway.
- If consent is likely to be granted then a condition should be attached to secure additional soft landscaping details.

#### 4.3 The Highways Authority raises no objection subject to standard conditions requiring:

- A vehicular turning facility
- All off-road parking facilities to be provided in accordance with current standards

- Bicycle storage design
- Construction Method Statement
- Closure of vehicular access onto Harwich Road

## 5. **Representations**

5.1 No representations received

## 6. **Assessment**

6.1 The main planning considerations are:

- Context and Background
- Proposal
- Planning History
- Policy Context
- Replacement Dwelling Outside of the Settlement Development Boundaries
- Impact on Landscape Character
- Design and Layout of Proposal

### **Context and Background**

6.2 The application site amounts to 2.4 hectares and lies on the northern side of Harwich Road at the junction with Bargate Lane as part of the Foxash Estate. The site is outside of the Settlement Development Boundaries as established in the saved (2007) and submission (2012) Tendring District Local Plan (TDLP).

6.3 The site includes a two-storey, semi-detached, three-bedroom dwellinghouse with 1 no. front dormer. The site includes 1 no. touring caravan, 2 no. static caravans, 1 no. single-storey barn, 1 no. security hut, 2 no. single garages, 1 no. store room, 1 no. metal shipping container and 1 no. greenhouse of 2,902 square metres internal floor space. The site has existing vehicular access points onto both Harwich Road and Bargate Lane. The adjoining property is larger than the applicant's dwellinghouse and has been extended to the side with a two-storey, gable-ended extension.

### **Proposal**

6.4 The application proposes the demolition and replacement of 57 Harwich Road. The replacement is a two-storey, detached, four-bedroom dwellinghouse with a detached double garage. The proposal includes the demolition of outbuilding storage sheds (340 square metres footprint) and a redundant greenhouse (2,909 square metres footprint). The proposal also includes use of an existing outbuilding as a stable whose use is ancillary to the residential use of the site.

6.5 The dwelling is provided with private gardens which meet the size standards required under policy HG9 and PEO4 of the saved and draft Local Plan respectively. It also meets the internal floor space requirement of draft Local Plan Policy PEO4.

6.6 The design of the replacement dwelling is similar to the neighbouring dwelling. It achieves this through the use of similar external materials and maintains the gable roof and dormer features of the existing dwelling and its adjoining neighbour.

6.7 The amended drawings show a substantial indicative area of soft landscaping between the replacement dwelling and Harwich Road. In line with the comments received from the

Council's Tree and Landscaping Officer, an appropriate planning condition can be attached to secure the extent and type of soft landscaping for this location.

### **Planning History**

- 6.8 A similar proposal at 26 Harwich Road was granted planning permission in August 2012, but has not been implemented yet. It too was larger than the original dwelling (approximately double the size) and benefitted from a soft landscaping screen. The main differences are that the proposal for 26 Harwich Road was not as large as the proposal for 57 Harwich Road. It was also more closely sited to the original dwelling.

### **Policy Context**

- 6.9 National planning policy is contained within the National Planning Policy Framework (NPPF). The NPPF promotes the principles of sustainable development through high quality design that respects the intrinsic character of the countryside. Proposals should ensure high standards of design and respond to local character, whilst being visually attractive as a result of good architecture and appropriate landscape design. As a result, the proposed development sits comfortably with the overarching sentiments of the NPPF.
- 6.10 The application site lies outside of the Settlement Development Boundaries. As this proposal is for a replacement dwelling it is assessed against saved Policy HG12 – Extensions to or Replacement of Dwellings Outside of Settlement Development Boundaries. There is no exact replica in the emerging plan, but Policy SD5 states that the one for one replacement of existing dwellings in the countryside will be permitted subject to detailed consideration against other policies in the Local Plan. Whilst the proposal has been assessed against Policy HG12, its weight is decreasing as the emerging plan progresses. Conversely, Policy SD5 is gaining more weight.
- 6.11 Other policies of note include saved Policy EN1 and draft Policy PLA5, which require that the quality of the district's landscape and its distinctive local character will be protected and where possible, enhanced. These policies will be considered below.

### **Replacement Dwelling Outside of the Settlement Development Boundaries**

- 6.12 Saved Policy HG12 states that a replacement dwelling outside the settlement development boundaries will be permitted provided that it meets the general design criteria set out in saved Policies QL9 and QL10 as well as meeting specific criteria set out in saved Policy HG12. These specific criteria are considered below.
- Criterion (i) Size, scale and height
- 6.13 The character of the locality is defined by an open rural landscape with hedgerows, trees and fields. Nearby dwellings are sparsely, but regularly located along Harwich Road. Some of these dwellings have received large two storey extensions, including 58 Harwich Road, which is the neighbouring property to the application site. This neighbouring property was granted planning permission in 1995 for a two-storey side extension (ref: TEN/95/1335). This neighbouring property is of approximately 630 cubic metres volume and is of "1½" storeys height. The proposal is of 649 cubic metres volume and is of "1½" storeys height. Within this context the proposal is of a similar size, scale and height to the character of the locality. As such the proposal is compliant with the first criterion of saved Policy HG12.
- Criterion (ii) Proportions
- 6.14 Criterion two requires that the proposal is well related and in proportion to the original dwelling. The proposed dwelling has a volume of 649 cubic metres. The original (existing) dwelling has a volume of 278 cubic metres. Whilst the proposal could not be considered to be in proportion to the original dwelling, it is deemed that the original dwelling could be

extended to match that of the neighbouring property 58 Harwich Road (630 cubic metres) as part of a planning application for the site. The existence of the larger neighbouring property would mean that any such planning application could not be reasonably refused due to its size or mass. This theoretical intermediate step means that to refuse a replacement dwelling on the grounds of criterion two could not be reasonably defended.

- Criterion (iii) Skyline and open character
- 6.15 Due to the fact that the proposal would be well screened, the requirements of criterion three would be met. This screening would minimise any visual intrusion on the skyline or on the open character of the surrounding countryside
- Criterion (iv) Setting
- 6.16 Criterion four requires that there is sufficient space around the dwelling to protect, amongst other things, its setting and the character of the countryside. This is achieved in this instance by the generous site area, which is over 2.4 hectares and provides ample grounds within the curtilage of the dwelling.
- Criterion (v) Over-development
- 6.17 For the same reasons as criterion four, the proposal would not represent over-development of the site and would satisfy the requirements of criterion five.
- Criterion (vi) Highway safety
- 6.18 The Highways Authority have raised no objection to the proposal, subject to the inclusion of certain planning conditions. These conditions relate to the vehicular turning area, parking space dimensions, double garage dimensions, bicycle storage, a Construction Method Statement, and the closure of the existing access onto Harwich Road. If such conditions are attached it is deemed that the proposal would not be detrimental to highway safety and would satisfy criterion six.
- Criterion (vii) Neighbouring amenity
- 6.19 The proposal would not adversely affect adjoining properties or main habitable rooms in terms of privacy, amenities and aspect, because of the extensive plot in which it is located and would satisfy criterion seven.
- Criterion (viii) Reasonable improvement and positive contribution
- 6.20 Criterion eight requires that the proposal would not replace an existing permanent dwelling which is capable of reasonable improvement and extension and which makes a positive contribution to local character. The applicant states in his design and access statement that “the existing building was poorly built and is structurally in need of considerable restoration”. This level of restorative works would go beyond “reasonable improvement” and in doing so would satisfy the requirements of criterion eight.
- Criterion (ix) Existing dwelling type
- 6.21 Criterion nine is met as the proposed house is not a replacement for a mobile home, dwelling already demolished or abandoned, or a building not in lawful use as a dwelling house.
- Criterion (x) Exacerbation of existing problems
- 6.22 The proposal would not exacerbate any existing access, drainage or other problems associated with the site and so would satisfy criterion ten of Saved Local Plan (2007) Policy HG12.
- 6.23 In terms of emerging Policy SD5, the proposal for a replacement dwelling in the countryside will be permitted, subject to consideration against other material planning considerations. These are addressed below.

### **Impact on Landscape Character**

- 6.24 The landscape character is defined by an open rural landscape with mature hedgerows and trees bounding open fields. The topography is relatively flat. Built forms include sparsely distributed dwellings on the Foxash Estate and the A137 (Harwich Road). Some of the dwellings, including the application site, have ancillary agricultural buildings. This is a use that stems from the original function of these properties as living accommodation and smallholdings for soldiers returning from World War 1.
- 6.25 The proposal will not result in the removal of any existing trees or other significant vegetation and will add further soft landscaping to screen the replacement dwelling from the streetscene, as shown on amended drawing number PP813-10B. A suitable planning condition can be attached to provide further details on the characteristics of this soft landscaping. There are no public views of the replacement dwelling from the north nor from the existing railway line, which is sited 300 metres to the north-west from the site in a cutting. Furthermore, the distance to the northern boundary of the site and existing boundary treatment result in a minimal impact on the landscape character.
- 6.26 In terms of the built environment, the pair of semi-detached dwellings at 57 and 58 Harwich Road would have originally contributed positively to the local character. However, the significant front, side and rear extensions to 58 Harwich Road have undermined the positive contribution that this pair of dwellings made to the landscape. Considering that each site is determined on its merits and in this unique situation where the pair of existing dwellings are substantially unbalanced in their proportions, the loss of the existing dwelling at 57 Harwich Road would not be out of keeping with the landscape character. The remaining 58 Harwich Road property, by virtue of its current scale, massing and proportions would not appear unbalanced and with necessary making good to its western flank could comfortably sit as a detached dwelling. No objection has been received from this neighbour. The principle of removing a semi-detached dwelling is discussed above in relation to a similar application for a replacement dwelling on the Foxash Estate which was granted planning permission in 2012.
- 6.27 It should also be noted that the proposal includes the demolition of several outbuildings on the site, including detached garages, a store room and a greenhouse of over 2,900 square metres. The removal of these building will have a positive impact on the landscape character.

### **Design and Layout of Proposal**

- 6.28 The replacement dwelling is accessed from an existing access on Bargate Lane and is sited well within the southern part of the site so as not to appear cramped. The replacement dwelling forms the termination view when entering the driveway and the building style takes design cues from vernacular buildings and includes a strong gable roof feature and distinctive chimney stack. These are all features exhibited in both 57 and 58 Harwich Road and other nearby properties.
- 6.29 In addition to comments above, the proposal relates well to its site and surroundings in relation to its siting, height, scale, massing, form, design and materials and it incorporates (and adds to) existing soft landscaping features. The proposed design presents no negative impact on the residential amenity of neighbouring properties, including 58 Harwich Road.
- 6.30 Access to the site is practicable and there will be no negative impact on highway safety. This is largely due to the fact that this is for a replacement dwelling. In considering all of these points, the proposal would satisfy the requirements of Policies QL9 and QL10 of the Saved Local Plan (2007) and Policy SD9 of the Draft Local Plan (2012).



- 6.31 The applicant is anticipating that the replacement dwelling will meet the Code for Sustainable Homes level 4 (May 2008 edition). Amongst other things, this will be met through energy/water efficiency, site waste management and use of materials. This is supported through draft Local Plan (2012) Policy SD10 as well as forming one of the central pillars of the NPPF. In addressing these environmental issues, the proposal will reduce its carbon footprint, both in terms construction and occupation, as well encourage a more sustainable lifestyle for its inhabitants.

Background Papers

None