

SITE PLAN ATTACHED

HIGH POINT BEGGAR HILL FRYERNING ESSEX CM4 0PN

**DEMOLITION OF EXISTING RESIDENTIAL BUILDING FOR REPLACEMENT
RESIDENTIAL BUILDING.**

APPLICATION NO: 18/00075/FUL

WARD	Ingatestone, Fryerning & Mountnessing	8/13 WEEK DATE	28.02.2018
PARISH	Ingatestone & Fryerning	POLICIES	
CASE OFFICER	Mr Mike Ovenden	01277 312500	

**Drawing no(s)
relevant to this
decision:**

3275 SK103B;
3275 SK100A;
3275 SK101;
3275 SK110;
3275 PL01;

This application is referred to committee at the request of Councillor Cloke

- Existing building is both antiquated and impossible to maintain
- the visual impact of this design would actually improve on what is currently there
- The modern bungalow previous approved in unsaleable and not supported by neighbour
- There is no objection from the arboriculturalist
- No objections from neighbours
- Decisions on sites elsewhere should be taken into account
- The Parish Council has, understandably objected under GB1; however this is a very much a broad-brush approach
- Support comments by highways concerning restoration of verges post development (Officer note: no comment has been made in the highways response on this application)

1. Proposal

This application relates to the demolition of a postwar flat roof single storey dwelling and its replacement with a two storey dwelling with pitched roof. The position of the proposed dwelling would overlap the existing one. The existing flat roofed garage would also be replaced although no specific elevations have been provided. In that respect

the Design and Access Statement shows to potential design options – one with a crownroof, the other with a pitched roof and forward facing gable. The garage would be alongside the new dwelling.

2. Policy Context

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

Brentwood Replacement Local Plan 2005

- Policy CP1 General Development Criteria
- Policy H7 Single Storey Dwellings
- Policy GB1 New Development
- Policy GB2 Development Criteria
- Policy GB6 Replacement Dwellings

The successor document for the Brentwood Replacement Local Plan 2005, the new Local Development Plan (LDP), underwent draft stage consultation (Regulation 18) in 2016 and as there are outstanding objections to be resolved, only limited weight can be given to it in terms of decision-taking, as set out in paragraph 216 of the National Planning Policy Framework. As the plan advances and objections become resolved, more weight can be applied to the policies within it. Nevertheless, the draft Local Plan provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. The emerging LDP was the subject of site-focused consultation (Regulation 18) between 29 January and 12 March 2018, identifying proposed development allocations. This will be followed by the Pre-Submission Draft (Regulation 19), currently anticipated to be published in Q3 of 2018. Following this, the LDP will be submitted to the Secretary of State for an Examination in Public in Q4 of 2018. Provided the Inspector finds the plan to be sound it is estimated that it could be adopted in early/mid 2019.

3. Relevant History

- 14/00280/PN42: Single storey rear extension. The proposed extension would extend 8m beyond the rear wall of the original dwelling, the maximum height of the proposed extension would be 2.6m and the proposed eaves height would be 2.5m. -Prior Approval is Not Required
- 14/00414/S192: Single storey side extension and single storey rear extension - Application Permitted
- 15/00315/FUL: Demolition of existing bungalow and replacement bungalow. - Application Permitted

- 15/01214/FUL: Alterations to front and side dormers and extension of eaves to all sides. -
- 15/01215/S192: Application for a lawful development certificate for a proposed use or development for single storey extension to existing bungalow, with alterations to existing windows and eaves detail -
- 17/00880/FUL: Demolition of existing bungalow and garage and construct detached 5 bed house and garage -Application Withdrawn

4. Neighbour Responses

This application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby.

Detailed below is a summary of the neighbour comments, if any received. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

- Proposal is a considerable improvement on the existing building
- Reference to other developments
- Proposal has smaller footprint than current dwelling
- Better to have a family sized dwelling

5. Consultation Responses

• Arboriculturalist-

The proposed new dwelling should not have any adverse effects on the existing trees so long as they are adequately protected during construction. An arboriculture method statement is required showing how these trees will be protected. This can be dealt with by condition.

It is not considered that the proposed two-storey dwelling would have any significant adverse landscape or visual effects.

The reduced development footprint would provide more opportunity to provide additional new planting. A landscape condition is sought requiring details of hard and soft landscape treatments.

• Highway Authority-

The proposal retains the existing vehicle crossover and provides adequate off street parking and turning, therefore from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

- **Parish Council-**

Ingatstone & Fryerning Parish Council raise OBJECTION to planning application 18/00075-FUL - High Point, Beggar Hill, Fryerning, CM4 0PN on the following grounds:

Although the proposed property is smaller in floor area it is over twice the height of the existing building and replacement bungalow which was previously approved by the Borough Council in 2015. The effect of this will be to impact on the openness of the Green Belt and the adjacent Conservation Area to the detriment of both.

A previous application, 17/00290/FUL for Stoneywood Cottage, Mill Lane, Fryerning, was refused by the Borough Council for very similar reasons as those shown above and the same arguments would appear to apply in this instance.

The Applicant compares the proposal to the development at Field House, Fairwinds and Light Oaks but in these instances large properties already existed at these locations. In this case a low aspect property will be replaced by something much bulkier and intrusive.

6. Assessment

The starting point for determining a planning application is the development plan, in this case the Brentwood Replacement Local Plan 2005. Planning Legislation states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the National Planning Policy Framework 2012 (NPPF) National Planning Practice Guidance 2014 (NPPG). Although individual policies in the Local Plan should not be read in isolation, the plan contains policies of particular relevant to this proposal which are listed in section 2 above.

The existing dwelling is a flat roofed single storey dwelling of approx. 2.8 metres in height with chimneys and other small features reaching marginally higher. The proposed dwelling would have accommodation of two floors, a pitched roof with 4 metre eaves, a ridge up to 8.05 metres high with two chimneys extending up 850 mm higher. The footprint of the existing bungalow is roughly L-shaped and the two longest elevations are longer than the proposed dwelling and the sides of the proposed dwelling are up to 11.2 metres long. The footprint and floorspace GFA of the existing bungalow 218 sqm. The proposed dwelling would have a footprint of 149 sqm and a floorspace (GFA) of 297 sqm.

Policy CP1 is supportive of development proposals provided they protect the character and appearance of the surrounding area, protect the amenities of neighbours, are of a high standard of design and have satisfactory access and parking and can be accommodated by local highway infrastructure.

The local area includes a mix of two storey dwellings and therefore a two storey dwelling would not necessarily be out of keeping with those. Adequate parking to the

property would be retained by the proposal and it would not have a measurable effect on the use of the local traffic network. The proposal does not raise concerns about residential amenity. To that extent the proposal complies with Policy CP1, although the openness of the area and its inclusion within the greenbelt is part of the character of the locality is therefore relevant to this policy and is considered below.

The National Planning Policy Framework (NPPF) is a significant material consideration and where there is a difference between it and the development plan the NPPF, which is newer than the development plan, takes preference. This is relevant in considering replacement dwellings in the greenbelt as the application of the NPPF's measure of 'materially larger' than the existing dwelling supersedes the explicit size limits given in development plan policy GB6.

The NPPF does not quantify what 'materially larger' than the existing dwelling means or how to assess it. Various measures are often referred to including footprint, floorspace, volume or a comparison between elevations/massing and the relevance of each will vary from case to case. For example footprint is not an appropriate measure when comparing a single storey dwelling with one with two storeys. This is the type of development proposed in this application. The proposal involves a replacement building up to 5 metres taller than the existing building. As openness is a visual quality, a comparison between the elevations/massing of the existing and proposed dwellings is a reasonable way to judge the difference in size. The applicant has provided such a comparison in the Design and Access Statement (page 14). This is a clear demonstration that the building would be materially larger and therefore in the terms of the NPPF it is inappropriate development. Such development is defined as 'by definition harmful' and should not be approved except in very special circumstances. The NPPF advises 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicant has made the following points:

- The dwelling has remained unsold 'for a number of years'
- Size of property makes it of no interest to those wishing to downsize
- Replacement dwellings have been approved on other sites over the years
- Support from neighbours
- Reference to permitted development rights
- Reference to 'sustainability credentials automatically required for new buildings' – assumed to be reference to simple compliance with the building regulations
- Reference to unspecified improvements to biodiversity

None of these amount to very special circumstances. With regard to other permissions referred to by the applicant each application is required to be determined on its own merits and does not involve reassessing other planning decisions on other sites. Those referred to by the applicant either predate the NPPF or were in other districts where different planning authorities reach their own judgements based on the

circumstances of the cases they are dealing with and their policies. A further local case concerning Handley Edge from 2017 has been referred to but is not comparable – it relates to the replacement of a large house with one of very similar proportions to the existing dwelling and had been permitted on a number of previous occasions. The Parish Council quotes a local proposal refused last year on grounds of inappropriate development/ size. With reference to permitted development rights the NPPF makes it clear that the assessment it requires when considering replacement dwellings in the greenbelt is based on the 'existing building' and potential permitted development extensions are by definition not existing. There seems little likelihood that the permitted development extensions subject to the lawful development certificate will be implemented at the existing dwelling. This further reduces their relevance.

Green Belt Balance

There are no considerations that clearly outweigh the harm to the Green Belt and the other harm identified and therefore 'very special circumstances' required to justify inappropriate development in the Green Belt do not exist. The proposed development therefore conflicts with Chapter 9 of the NPPF and Policies GB1, GB2 and GB6 of the Brentwood Replacement Local Plan 2005

Single storey dwellings

Local Plan Policy H7 seeks to protect the existing stock of single storey dwellings against extension or replacement which would result in the loss of single storey dwellings on site. Replacing this single storey dwelling by a two storey dwelling clearly breaches Policy H7. This particular single storey building due to its size, location and value is not the sort of property that would be accessible to the majority of potential occupants seeking single storey dwellings and therefore on balance the breach of this policy is not a reason to refuse this application. The applicant has provided a covering letter that reaches a similar conclusion.

In conclusion, the application is recommended for refusal on the basis that the proposed development would be inappropriate development and would be harmful to the essential characteristics of the Green Belt in terms of its openness and permanence, contrary to the aims of Local Plan Policies GB1, GB2, GB6 and National policy as expressed in the National Planning Policy Framework (NPPG). This recommendation is consistent with advice given at the preapplication stage.

7. Recommendation

The Application be REFUSED for the following reasons:-

R1 The proposal is unacceptable because it would result in the erection of a replacement dwelling in the greenbelt that is materially larger than the existing dwelling, clearly demonstrated in a comparison between the elevations of the existing and

proposed dwellings. The proposal therefore represents inappropriate development in the greenbelt which the National Planning Policy Framework states is by definition harmful. The applicant has not demonstrated very special circumstances that the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The proposal is therefore contrary to Policies CP1, GB1, GB2 and GB6 of the Brentwood Replacement Local Plan 2005 and Chapter 9 of the National Planning Policy Framework.

Informative(s)

1 INF05 Policies

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, GB1, GB2, GB6, the National Planning Policy Framework 2012 and NPPG 2014.

2 INF20 Drawing numbers (Refusal)

The drawing numbers listed above are relevant to this decision

3 INF25 Application Refused Without Discussion

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development. Details of the pre-application service can be found on the Council's website at www.brentwood.gov.uk/preapplicationadvice

BACKGROUND DOCUMENTS

DECIDED:

Appendix A: Site Map