

<b>SITE PLAN ATTACHED</b>
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**MARCOT CHIVERS ROAD STONDON MASSEY ESSEX CM15 0LJ**

**EXISTING DWELLING TO BE DEMOLISHED AND REPLACED WITH A  
PROPOSED NEW DETACHED DWELLING.**

**APPLICATION NO: 18/01127/FUL**

<b>WARD</b>	Tipps Cross	<b>8/13 WEEK DATE</b>	31.08.2018
<b>PARISH</b>	Stondon Massey	<b>POLICIES</b>	
<b>CASE OFFICER</b>	Ms Tessa Outram	01277 312500	

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

20/B;  
21/D;  
22/D;  
23/A;  
24;

This application has been referred by Councillor Sanders on the grounds that the dwelling could be extended under permitted development to a greater extent than what is proposed here and thereby having a greater impact on the openness of the Green Belt.

## **1. Proposals**

Planning permission is sought for a detached dwelling with front and rear dormer windows at Marcot, Chivers Lane, Stondon Massey.

The proposed dwelling would have a length of 14.7 metres, a maximum width of 11 metres and a height of 6.4 metres. The dwelling would have different forms and sizes of dormer windows, two rooflights, a pitched roof porch, windows in a variety of sizes and positions, a cross wing front to back and materials would be brick and weatherboarding with plain roof tiles. The application form indicates that the existing house which stands closer to the front of the site in comparison to the proposed dwelling would be demolished after the completion of the new dwelling.

## **2. Policy Context**

Brentwood Replacement Local Plan 2005

- Policy CP1 General Development Criteria

- Policy GB1 New Development
- Policy GB2 Development Criteria
- GB6 Replacement Dwellings

National Planning Policy Framework (2018)

National Policy Guidance

Local Development Plan:

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 was the subject of site-focused consultation (Regulation 18) between January and March 2018, identifying proposed development allocations. Where 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 48 of the National Planning Policy Framework 2018. 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 Pre-Submission Draft (Regulation 19) will be considered for publication and consultation at Extraordinary Council on 8 November 2018. Once public consultation has concluded, the LDP will be submitted to the Secretary of State (Regulation 22), likely to be in Q1 of 2019. Provided the Inspector finds the plan to be sound, following an Examination in Public, it is estimated that it could be adopted in mid 2019.

### **3. Relevant History**

- 16/01300/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 3.5m and the proposed eaves height would be 3.00m - Prior Approval is Not Required
- 16/01301/S192: Application for a Lawful Development Certificate for a proposed use or development for the construction of two single storey side extensions, two side facing dormers and alterations to fenestration -Application Permitted
- 17/01732/FUL: Demolition of existing garage/store and construction of a new detached garage, raise roof ridge height to incorporate loft extension, to include dormers to both sides and Juliette balcony. Single storey side and rear extension to include roof lanterns and new canopy over entrance door. -Application Permitted

#### **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/>

No neighbour representation letters have been received at the time of writing this report.

#### **5. Consultation Responses**

- **Parish Council:** Stondon Massey Parish Council has no objection to this application but would urge BBC to ensure that the Green Belt and the agricultural policy restrictions are not compromised and we would additionally ask BBC to impose a time limit on the demolition of the existing property.
- **Highway Authority:** A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal would utilise the existing access and includes adequate vehicle parking and turning space for the dwelling, therefore: From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.

#### **6. Summary of Issues**

The application site is within the Metropolitan Green Belt on the western side of Chivers Road and is occupied by a modest chalet bungalow. The main considerations in the determination of this proposal are the impact on the Green Belt, on the character and appearance of the surrounding area, on residential amenity and highway considerations.

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 2018 (NPPF) and National Planning Practice Guidance (NPPG). Although individual policies in the Local Plan should not be read in isolation, the plan contains policies of particular relevance to this proposal which are listed in section 2 above.

#### **Green Belt**

Policies GB1 and GB2 aim to control development but support a limited range of

development, subject to being appropriate to the greenbelt and protecting its openness. These policies are broadly consistent with the NPPF, which is a significant material consideration. Where there is a difference between it and the development plan, the NPPF, which is newer than the development plan, takes preference although in this case there is no significant inconsistency between the two documents with regard to general approach to development in the greenbelt.

Policy GB6 of the Brentwood Replacement Local Plan (RLP) 2005 is concerned with replacement dwellings and sets a threshold of 37sqm above which proposals will not be allowed. However, the Framework at paragraph 145 advises that the construction of new buildings in the Green Belt should be regarded as inappropriate except when, amongst other things, it involves the replacement of an existing building. This is provided that the new building is in the same use and is not *materially larger* than the one it replaces. As the NPPF is newer than the development plan its preferred measure of 'not materially larger' supersedes the explicit size limits given in development plan policy GB6.

In this case, a relatively modest chalet bungalow would be replaced by a much larger 4 bedroom chalet. The reference in the NPPF to the 'one it replaces' must logically be taken as the building as it exists. On the basis of the submitted plans the floor area would increase by 88% with a volumetric increase of around 48%. The proposed dwelling would be wider and deeper than the overall dimensions of Marcot and its footprint would be greater by around 61% compared to the existing. Using these objective measures the proposed dwelling is considered to be materially larger than the existing one. Therefore, the proposal would be inappropriate development in the greenbelt and conflict with the aims of the development plan and the National Planning Policy Framework.

### **Openness and Character and Appearance.**

By reason of its dimensions the proposed dwelling would significantly increase the physical presence of built development in the Green Belt. This would reduce openness and undermine the purposes of including land within the Green Belt, contrary to Policy GB2 of the RLP which seeks to avoid harm in this respect.

The application site has a rural setting with the only immediate neighbour to the north of the site. The proposed dwelling would be set further back from Chivers Road than the existing dwelling and be located close to the boundary with the neighbouring property. The footprint of the new house would extend across most of the width of the plot and the existing garage demolished. No replacement garage is indicated. The design of the new dwelling is stated to be a 'chalet house'. The main ridge would be perpendicular to the road with a two storey gable front and rear wing. Dormers are proposed in the front, one side and the rear roof slopes. The proposed dwelling would be more obvious than the existing house and more bulky than with the alterations granted planning permission earlier this year but on balance the building would be an adequate standard of design.

### **Green Belt Balance**

As indicated above, the proposal would be inappropriate development in the Green Belt. The NPPF says the following with regard to inappropriate development:

“143 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

144 When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

The applicant hasn’t addressed the issue of very special circumstances and therefore hasn’t made a case that demonstrates the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Without very special circumstances the proposal should not be approved.

The proposed development would also reduce openness. To set against the harm, found the likelihood of visually unsatisfactory permitted development extensions being carried out should be given very limited weight. The likelihood of the 2017 permission not being implemented should this application not be granted is given less than moderate weight.

Therefore while there are a number of considerations that support the proposal it is considered that none of them are afforded the substantial weight that is given to the harm to the Green Belt. Even when taken together, they do not clearly outweigh the totality of the harm that would arise. As such, very special circumstances do not exist and the proposal would be contrary to the Local Plan Policy GB1 which states that permission for inappropriate development should not be granted.

## **Other Considerations**

The applicants case largely rests on the contention that the proposal is smaller and less harmful than developments that could be erected as permitted development. A lawful development certificate in respect of two proposed single storey flat roofed side extensions and two mono pitched dormer windows was granted in 2016. A prior notification for a larger single storey rear extension was submitted but did not require prior approval. According to the applicant these ‘permitted development’ works would result in a greater total floor area and overall footprint than what is proposed here. Planning permission was granted for extensions to the existing house under reference 17/01372/FUL, are much better resolved and less harmful than the ‘permitted development’, even though much of the latter is only single storey.

The weight attributed to permitted development or an existing planning permission will depend on the likelihood of those developments being carried out. The applicant has indicated that the layout and design of those works would not be satisfactory and the

applicants supporting case for this application contains a critique of the permitted development schemes such that there is no indication of a strong likelihood of such works being carried out. On that basis little weight should be attached to the permitted development schemes. Given the extant permission, 17/01372/FUL, it is considered that the inferior permitted development works would be less likely to be implemented further limiting their weight for this application.

The 17/01732/FUL permission for extensions is afforded greater weight. The calculations submitted indicate that the current proposal would be 47.sq.m smaller in terms of footprint, 33.7sq.m smaller in terms of floor area and 19.7 m<sup>3</sup> (4%) smaller in terms of volume than the 2017 permission. However, in this case dimensional comparisons are not particularly informative. A visual comparison between the existing, approved and proposed schemes gives a more accurate indication of whether the replacement building is 'materially larger'.

The scale and design of the replacement dwelling would result in a much larger and bulkier building with all the mass of built form at one and a half or two storeys compared to the 2017 permission which had a majority of built form at single storey level and predominately to the rear of the main building. In addition, the proposed replacement dwelling would spread the footprint of the building across virtually the whole width of the site which at present is devoid of built form. The spread of development would be far less if the 2017 permission were to be implemented; it would allow views through the site and to the trees and vegetation behind, and as such the actual and perceived increase in the size of the 2017 dwelling and its impact on the openness of the Green Belt would not be as significant as the application proposal.

### **Impact on Neighbour Amenity**

The only immediate neighbour to the site is 'Beulah' (marked Sarion on the submitted drawings) to the north. The proposed dwelling is positioned a sufficient distance from the neighbouring property as to not result in an overbearing impact or loss of outlook or light that would be detrimental to the living conditions of the occupiers. No flank windows are proposed facing 'Beulah' and the side dormer windows would overlook farm land to the south. As such it is considered the proposal would not result in any material overlooking or loss of privacy to the neighbouring occupiers and would provide a good standard of amenity to all existing and future occupiers in accordance with policy CP1 (ii) of the local plan and paragraph 127 (f) of the NPPF.

### **Highway and Parking Considerations**

The proposal would not result in a loss of off-street parking provisions and would retain the existing access. The proposal therefore is in accordance with the adopted parking standards and would not result in any highway safety issues.

### **Conclusion**

It is concluded that the proposed development would be inappropriate development and reduce openness and there are no very special circumstances to justify the

development. The conflict with the development plan is not outweighed by other material considerations. It is therefore recommended that the application be refused.

## **7. Recommendation**

The Application be REFUSED for the following reasons:-

### **R1 U27373**

The proposed replacement dwelling represents inappropriate development in the Green Belt and as a result of its scale, size and bulk would result in a reduction in the openness of the Green Belt. As such the proposed development is contrary to National Planning Policy 2018 paragraphs 144 and 145 and planning policies GB1 and GB2 of the Local Plan saved policies 2005.

### **R2 U27378**

Other matters that weigh in favour of the proposed development have been considered, but collectively they do not clearly outweigh the harm to the Green Belt. Therefore 'very special circumstances' to justify inappropriate development in the Green Belt do not exist.

## **Informative(s)**

### **1 INF05**

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1GB1, GB2, GB6, National Planning Policy Framework (NPPF) 2018 and NPPG 2014.

### **2 INF20**

The drawing numbers listed above are relevant to this decision

### **3 INF24**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. Further advice may be sought from the Local Planning Authority via the pre-application service prior to the submission of any revised scheme. Details of the pre-application service can be found on the Council's website at [www.brentwood.gov.uk/preapplicationadvice](http://www.brentwood.gov.uk/preapplicationadvice)

## ***BACKGROUND DOCUMENTS***

## **DECIDED:**