

**SITE PLAN ATTACHED**

**GARTH COTTAGE CRICKETERS LANE HERONGATE BRENTWOOD ESSEX**

**DEMOLISH EXISTING GARAGE AND CONSTRUCT DETACHED DWELLING**

**APPLICATION NO: 20/00468/FUL**

<b>WARD</b>	Herongate, Ingrave & West Horndon	<b>8/13 WEEK DATE</b>	1 June 2020
<b>PARISH</b>	Herongate & Ingrave	<b>Ext. Of Time</b>	tbc
<b>CASE OFFICER</b>	Mrs Nikki Dawney		
<b>Drawing no(s) relevant to this decision:</b>	SK/26320.1.2;		

**The application has been referred to the Committee at the request of Councillor Mrs Pearson for the following reason(s):**

- The planning history of the site – application has been refused many times
- Design, appearance and layout
- Impact on the appearance of the area
- Effect on the level of daylight and privacy of existing property
- Impact on trees and open land
- No need for the development
- Inappropriate development of a residential garden, overdevelopment
- Highway safety and traffic levels
- Parking is already an issue; proposal likely to increase on street parking
- Lane does not have a pavement at this point
- Possibility of damage to listed buildings on the lane from delivery traffic
- Harmful asbestos in the garage

**1. Proposals**

This application relates to the demolition of a single storey garage and the construction of a detached bungalow

**2. Policy Context**

Local Development Plan: Brentwood Replacement Local Plan 2005

- Policy CP1 General Development Criteria
  - Policy C14 Development within the vicinity of a conservation area
  - Policy C16 Development within the setting of a Listed Building
  - Policy T5 Parking - General
- Local Plan Appendix 1: Extracts from Essex Residential Design Guidance
  - Local Plan Appendix 2: Vehicle Parking Standards

Emerging Local Development Plan (LDP) to 2033:

The Brentwood Replacement Local Plan 2005 remains the development plan and its policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the National Planning Policy Framework (NPPF). Due weight should be given to them, according to their degree of consistency with the NPPF - the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given.

The emerging Local Development Plan went through Pre-Submission (Publication Draft) Stage (Regulation 19) consultation early in 2019 with a further focused consultation, following revisions to the detailed wording of some of the proposed housing allocations, ending on 26 November 2019. At Ordinary Council on 22 January 2020 the Council resolved to submit the plan to the Planning Inspectorate on behalf of the Secretary of State (Regulation 22). Submission of the Local Plan took place on Friday 14 February 2020. An Examination in Public is likely to be held in mid 2020, subject to timetabling by the Secretary of State. Provided the Inspector finds the plan to be sound, it is projected that it could be adopted by the Council in late 2020 or 2021. With regard to the impact on timeframes due to the current COVID-19 situation, Planning Inspectorate advice is that pre-hearing matters for submitted Local Plans can continue. At this stage public hearing sessions are not able to proceed but this will be kept under review with all options explored in order for them to take place as soon as possible.

As the emerging plan advances and objections become resolved, more weight can be applied to the policies within it. At this stage there are outstanding objections to be resolved, nevertheless, the 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. While submission of the Local Plan is a further step in progress towards adoption, as the plan has yet to be inspected through an Examination in Public it is still considered that it currently has limited weight in the decision making process.

National Policy and guidance

- National Planning Policy Framework (NPPF)

- National Planning Policy Guidance (NPPG)

### 3. **Relevant History**

- 14/00996/FUL: Construction of a detached one bedroom bungalow. - Application Permitted
- 16/00939/FUL: New 3 bedroom detached house. Refused
- 17/01554/FUL: Construction of a 3 bedroom dwelling. Withdrawn
- 19/00400/FUL: Demolish existing garage and construct detached dwelling. Refused
- 19/01476/FUL: Demolish existing garage and construct detached dwelling. Refused

### 4. **Neighbour Responses**

Representations have been received raising the following issues:

- Parking/traffic
- Hedging Removed
- Overdevelopment of the site

### 5. **Consultation Responses**

- **Historic Buildings And Conservation Officer:**

Significance Garth Cottage, Cricketers Lane is located within close proximity to a Grade II listed building 'Suffolk House' dating from C17th, 'altered in late C18/early C19, extended and altered in C20. Timber-framed, weatherboarded, roofed with handmade red clay tiles'. The site is outside the Herongate Conservation Area; Cricketers Lane is a characterful and located in the immediate context of the Historic Common.

Proposal Demolish existing garage and construct detached dwelling Discussion  
This proposal seeks amendment to approved planning application ref: 14/00996/FUL. The intent through the history of this site is for a domestic dwelling of modest scale, which would appear congruous with the other properties and the ancillary forms within their curtilages. From my assessment, the proposed increase to accommodate an additional bedroom, whilst appearing minor will overly elongate the roofline within the streetscape. From a built heritage perspective this sets a poor precedent given the character of the Lane. In terms of direct impact upon designated Heritage Assets this is of 'neutral' impact. On balance however taking the character of the Lane into consideration it is not something I support.

- **Highway Authority:**

A site visit has been previously undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority.

The proposal includes the sub-division of the site to provide a new dwelling which would be accessed via Cricketers Lane to the south, the host dwelling retains adequate off-street parking to the front. The proposed dwelling includes two off-street parking spaces within the curtilage, therefore from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions listed at the end of this report.

- **Herongate and Ingrave Preservation Society:** No comment received.
- **Parish Council:**

Herongate and Ingrave Parish Council would like to object to this planning application on the following grounds:

The proposed development is overly large within the plot resulting in an unacceptable scale and siting, the loss of mature hedging which provided valuable screening and a visual contribution to the area would now result in a development which is prominent and out of keeping with the rhythm, prevailing pattern of development and landscape character of the area which defines the context and local heritage of an important thoroughfare to the Herongate Conservation Area. Combined, the loss of hedging and the prominence of the proposed dwelling will negatively impact upon the spatial character of the Cricketers Lane itself this in turn will impact upon the setting of the Grade II listed building contrary to Chapters 12 and 16 of the National Planning Policy Framework (NPPF) National Design Guidance section C1 and Policies CP1(i), CP1(iii) and C16 of the Brentwood Replacement Local Plan 2005.

The parish council also believe that the amenity to the rear would fall well below the council standard of 100m<sup>2</sup> contained within the Residential Design Guidance. The existing mature trees and shrubs along the common boundary to the rear combined with the possible introduction of shrubs and trees along the side common boundary which would provide a desired level of privacy combined with a level of amenity substantially below that of the current guidance would result in a poor layout and substandard area of amenity space to the detriment of future occupiers contrary to Chapter 12 of the NPPF and point (iii) of Local Plan policy CP1.

## **6. Summary of Issues**

The starting point for determining an 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 2019 (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.

Although suburban in nature the area surrounding the site, which is to the rear of the residential garden of Garth Cottage, is characterised by relatively dense, linear residential dwellings and the site is in a built-up area. The NPPF supports sustainable development within a residential area such as this. It is noted the NPPF para 70 states that residential gardens should not be considered as windfall sites for development. The policy goes on to state that Local Planning Authorities should consider setting policies which resist the inappropriate development of residential gardens. However, the Brentwood Local Plan 2005 has no policies restricting the development of such areas and on this basis the 2014 permission for development was granted and the principle of development here continues to be acceptable.

Evidence has been submitted to establish that foundations for the approved development were evident during a surveyors site assessment on 9th November 2017 prior to the expiry of this planning permission on 10th November 2017. The partial foundation is beside the garage to be demolished and although concealed for safety reasons, is evident and supported by photo images and a block plan. As such, it is accepted that the 2014 permission has been implemented in a meaningful way sufficient to satisfy the legal requirements in section 56(4) of the Town and Country Planning Act 1990. This says that "development is taken to be begun on the earliest date on which a material operation is carried out". Therefore the 2014 permission can be completed at any time in the future and is a significant material consideration in this instance.

After the 2014 permission there have been a string of proposals for larger developments which have not been supported. The most recent application for a chalet style development with accommodation of two floors was refused in December 2019 for the following two reasons:

*1 The proposed development is overly large within the plot resulting in an unacceptable scale and siting, the loss of mature hedging which provided valuable screening and a visual contribution to the area would now result in a development which is prominent and out of keeping with the rhythm, prevailing pattern of development and landscape character of the area which defines the context and local heritage of an important thoroughfare to the Herongate Conservation Area. Combined, the loss of hedging and the prominence of the proposed dwelling will negatively impact upon the spatial character of the Cricketers Lane itself this in turn will impact upon the setting of the Grade II listed building contrary to Chapters 12 and 16 of the National Planning Policy Framework (NPPF) National Design Guidance section C1 and Policies CP1(i), CP1(iii) and C16 of the Brentwood Replacement Local Plan 2005.*

*2 The amenity to the rear of 80m<sup>2</sup> would fall well below the council standard of 100m<sup>2</sup> contained within the Residential Design Guidance. The existing mature trees and shrubs along the common boundary to the rear combined with the possible introduction of shrubs and trees along the side common boundary which would provide a desired level of privacy combined with a level of amenity substantially below that of the current guidance would result in a poor layout and substandard area of amenity space to the detriment of future occupiers contrary to Chapter 12 of the NPPF and point (iii) of Local Plan policy CP1.*

In order to address the first reason for refusal the current scheme retains the height and depth of the dwelling approved in 2014. The main differences in this instance are the integration of the approved flat roof garage into the habitable space and the extension of the approved hipped roof over as well as a small increase in width. The dwelling is now off set from the common boundary with its neighbour. The overall design ethos and materials remain as previously approved.

	<b>Extant 2014 permission</b>	<b>Current application</b>
Length	13.0m (inc garage)	13.3m
Width	6.2 m	6.2 m
Height	5.35 (5.45m)*	5.45 m
Roof pitch	35 degrees	35 degrees

- 2014 drawings indicate 5.35m high, 'approved scheme' shown on current drawings scales off at 5.45m

In order to address the second reason for refusal the amenity space to the rear has been increased from 80sqm to 100sqm.

#### Heritage and conservation

The site is in proximity to a Grade II Listed Building and about 100m north of the Conservation Area. It is regrettable that the existing hedging which formed such a characterful contribution to this important streetscene has largely been removed however the hedging is not protected via a TPO or other Order and could be removed by the land owner at any time without permission. The remaining hedging would no longer screen the proposed dwelling which would appear largely visible within the streetscene.

The 2014 planning permission was for a scheme of identical siting, orientation, height, depth, design, materials and very similar width. Local Plan polices have not changed during this time. However, the Principal Heritage and Conservation Officer has advised that the proposed increase in built form from the 2014 permission would overly elongate the roofline within the streetscape and from a built heritage perspective would set a poor example given the character of the Lane.

Comparatively, the proposed dwelling would result in a modest increase in width and an increase to the bulk and massing of the roof structure. These alterations combined would elongate the appearance of the approved dwelling closest to the bulk of the adjacent neighbour Little Meadow but it would remain similar to the previous approval and continue to be subordinate within the streetscene in terms of height.

Having noted all consultation responses, it is considered that, on balance, the modest increase to the approved scheme when viewed in the context of the eclectic mix of dwellings which have been significantly altered in recent years and which form the immediate area would not be detrimental to the street scene and would be compliant with planning policy CP1.

In terms of the living conditions of future occupiers, the internal configuration, daylight, sunlight and ventilation would result in a good standard of living.

Externally, the residential amenity space noted on the block plan has been increased to 100sqm which meets the standard for garden space in the local plan. It is considered that the existing mature trees long the rear boundary combined with the possible introduction of shrubs and trees along the side common boundary would provide a desired level of privacy resulting in an adequate layout and area of amenity space compliant with planning policy CP1.

With regard to residential amenity, point (ii) of policy CP1 requires development to not have an unacceptable detrimental impact upon the general amenities of nearby occupiers of the occupiers of the proposed development by way of overlooking, lack of privacy, overbearing effect or general disturbance. No windows are proposed within the side and rear elevations of the building which would give rise to overlooking to Garth Cottage, The Chestnut Tree nor Little Meadow. Therefore, it is unlikely that the proposed development would result in window to window loss of privacy. Overall, the proposed development would not result in a loss of residential amenity to surrounding occupiers contrary to point (ii) of policy CP1.

In terms of highways and parking, given that the development site is not in a main urban area with good access to facilities including food shopping, employment, education and frequent and extensive public transport, the application site is not in a location where parking standards should be relaxed. Therefore the appropriate car parking provision is two car parking spaces which measure 5.5m or 5m x 2.5m. These spaces are provided here and can be accessed in forward and reverse gear and this element of the scheme is considered acceptable by ECC Highways.

Concerns have been raised regarding the impact of construction vehicles upon access to Cricketers Lane and pedestrian safety. As noted above, Highways consider the scheme to be acceptable subject to conditions listed at the end of this report, most relevant here is recommended condition 11 which requires that a Construction Method Statement is submitted to an approved by the local planning department prior to construction which shall provide for the parking of vehicles of site operatives and

visitors, loading and unloading of plant and materials, storage of plant and materials used in constructing the development and wheel and underbody washing facilities. The implementation of the Construction Method Statement should limit on-street parking of contractors vehicles in the adjoining streets and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

#### Housing land supply

The Council cannot demonstrate a five year housing land supply against its local housing need. As the Council cannot demonstrate a sufficient supply of housing land its planning policies relating to housing supply cannot be considered to be up to date. The comment that the additional dwelling is not needed is not supported in national assessments for need for new dwellings in the borough.

In the absence of up to date development plan housing supply policies, national planning policy states that the balance (in the decision making process) is tilted in favour of sustainable development and planning permission should be granted except where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NNPf taken as a whole. However in this instance the applicants case is that a material start was made on the 2014 permission and therefore that permission for a new dwelling could continue at any time. Therefore granting permission for this proposal would not add any additional dwellings to the housing supply and therefore its impact would be neutral. However, in the context of the above, the proposal is considered to be acceptable in its own right and does not required the extra justification related to housing supply.

#### Conclusion:

The proposed development has been significantly reduced when compared to the previously refused schemes and is now comparable to the single storey dwelling approved in 2014, a scheme which has been meaningfully implemented and can be constructed at any time. In addition, Local Plan policies have not changed since the 2014 approval and as such the policy context remains the same. On balance, it is considered that the proposed scheme would not have a detrimental impact upon the existing streetscene over and above that which can be achieved via completion of the extant permission.

### **7. Recommendation**

The Application be APPROVED subject to the following conditions:-

#### 1 TIM01 Standard Time - Full

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

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

2 DRA01A Development in accordance with drawings

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

3 MAT01 Samples (details acceptable)

No development shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In Order to safeguard the character and appearance of the area.

4 LAN03 Landscaping - full - details submitted

The site shall be landscaped in accordance with the landscaping scheme indicated on the submitted drawings and specifications hereby approved. The landscaping scheme shall be completed during the first planting season after the date on which any part of the development is commenced or in accordance with a programme that has been agreed in writing by the local planning authority. Any newly planted tree, shrub or hedgerow, or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.

Reason: In order to safeguard and enhance the character and appearance of the area.

5 BOU01 Boundary treatment to be agreed

The development shall not be occupied until details of the treatment of all boundaries including drawings of any gates, fences, walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be completed prior to the first occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In the interests of safeguarding the character and appearance of the area and living conditions of adjacent occupiers.

6 PARK02 Forecourt parking

The area for parking identified on the approved drawing shall be provided prior to the first occupation of the development hereby permitted and shall thereafter remain available for parking the vehicles of the occupiers of the dwelling. The parking area shall not be used for the parking or storage of any caravan, boat or trailer.

Reason: To ensure that adequate on-site parking is available in the interests of highway safety and maintaining the character and appearance of the area.

7 RESL01 No PD for extensions (new dwellings)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), the dwelling hereby permitted shall not be extended or enlarged in any way without the prior grant of specific planning permission by the local planning authority.

Reasons

To safeguard the living conditions of the occupiers of neighbouring dwellings.

8 RESL05 No PD for dormers/roof

Aside from those indicated on the approved drawings, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order) no dormer windows, or rooflights shall be constructed and no change shall be made to the shape of the roof without the prior grant of specific planning permission by the local planning authority.

Reason: To safeguard the living conditions of the occupiers of neighbouring dwellings.

9 RESL06 No PD for outbuildings

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order) no development falling within Schedule 2, Part 1, Class E of that Order ('buildings etc incidental to the enjoyment of a dwellinghouse') shall be carried out without the prior grant of specific planning permission by the local planning authority.

Reasons: To safeguard the living conditions of the occupiers of neighbouring dwellings.

10 RESL07 No PD for fences gates etc

Aside from those indicated on the approved drawings, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no fences, gates or walls shall be erected within the curtilage

of the dwellinghouse hereby permitted without the prior grant of specific planning permission by the local planning authority.

Reason: To safeguard the character and appearance of the area.

11 U35128

No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

12 U35129

Prior to first occupation of the development the vehicle access shall be widened as shown in principle on planning drawing SK/26320.1.2. The access shall be provided with an appropriate vehicular crossing of the highway.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

13 U35130

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance.

14 U35131

There shall be no discharge of surface water from the development onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

15 U35132

Prior to first occupation, the dwelling shall be provided with a minimum of two on-site vehicle parking spaces as shown in principle on planning drawing SK/26320.1.2. Each parking space shall have dimensions in accordance with current parking standards. The vehicle parking area shall be retained in the agreed form at all times.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

16U35133

Prior to first occupation the cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

17U35134

Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport

### Informative(s)

1 INF02

Reason for approval: The proposal would accord with the relevant policies of the development plan as set out below. The Council has had regard to the concerns expressed by residents but the matters raised are not sufficient to justify the refusal of permission.

2 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: National Planning Policy Framework (NPPF) 2019 and NPPG 2014.

3 INF21

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

4 U07025

The applicant should be made aware of the potential relocation of the utility apparatus in the highway; any relocation shall be fully at the applicant's expense.  
o All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

o The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:  
o SMO3 - Essex Highways, Childerditch Highways Depot, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD

*BACKGROUND DOCUMENTS*

**DECIDED:**