

**SITE PLAN ATTACHED**

**07. LAND ADJACENT ROSNEATH HUNTERS CHASE HUTTON ESSEX CM13  
1SN**

**PROPOSED 3 BEDROOMED DWELLING.**

**APPLICATION NO: 15/01444/FUL**

<b>WARD</b>	Hutton East	<b>8/13 WEEK DATE</b>	09.12.2015
<b>PARISH</b>		<b>POLICIES</b>	NPPF NPPG GB1 GB2 GB9 CP1 T2
<b>CASE OFFICER</b>	Mrs Charlotte White	01277 312500	

**Drawing no(s)  
relevant to this  
decision:** 01; DESIGN & ACCESS STATEMENT; 02; 03;

This application was referred by Cllr Hossack for consideration by the Committee.  
The reason(s) are as follows:

I have no concerns about the application. It is a redundant building plot that already has a double garage on it. It is surrounded on all 4 sides by dwellings and will have no impact on the openness of the Green Belt. The area is designated as Green Belt and I have long argued the application of Green Belt Policy in this area is a misnomer and hopefully this will be addressed under the new Local Plan. In light of the proposed relaxation of policy on sites such as these I anticipate a recommendation for approval if the application is considered in the context of the new Local Plan. Small infill sites such as these will cumulatively have a positive impact on our house building targets and reduce the necessity to build in truly open Green Belt.

Neighbouring properties are supportive and will see this as an enhancement to their neighbourhood. There is no impact on visual or residential amenity and the building has been designed to be in-keeping and not overbearing on neighbouring properties whilst providing a good sized family home. It has its own onsite parking and there are no access issues and no trees will be affected.

The Council has previously approved new dwellings on empty plots in Hunters Chase and side roads. The immediately adjoining property is a recent new build. A new dwelling on an empty plot at OOkares (13/00894/FUL) on Hunters Chase was approved by planning committee on the 5<sup>th</sup> November 2013.

## **1. Proposals**

Planning permission is sought to demolish the existing detached double garage at the site and to construct a detached three bedroom bungalow on the site.

## **2. Policy Context**

Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise: the Brentwood Replacement Local Plan 2005. The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are material consideration in planning decisions.

GB1 - New development  
GB2 - Development criteria  
GB9 - Haverings Grove  
CP1 - General Development Criteria  
T2 - New Development and Highway Considerations

NPPF  
Chapter 4 - Promoting sustainable transport  
Chapter 7 - Requiring good design  
Chapter 9 - Protecting Green Belt Land

## **3. Relevant History**

- 15/00571/FUL: Construction new 3 bed dwelling. -Application Refused
- 90/00686/FUL: Extension To Existing Front And Rear Dormers. -Application Permitted
- 90/00668/FUL: Detached Garage -Application Refused

## **4. Neighbour Responses**

4 neighbour letters were sent out and a site notice displayed. 1 letter of support has been received from Cllr Hossack which makes the following comments:

- Application whilst in the Green Belt is on a building plot.
- Same as Oo Kares that was permitted.
- Historic land plans show this land as a building plot.
- Site is generally scruffy and already has built form on it in the form of a large garage.
- Supportive of proposal to provide a sensibly sized family home on the site.

- Have argued that Green Belt Policy in this area is irrelevant.
- Is not open Green Belt the plot being surrounded on all 4 sides by housing.
- The Green Belt designation is incorrect.
- Need additional housing and this plot is a scruffy waste of space.
- Need to apply common sense and put a family home on the plot.

## **5. Consultation Responses**

- **Highway Authority:**

Hunters Chase is a private road; therefore from a highways and transportation perspective, the Highway Authority has no comment to make on this proposal.

- **Arboriculturalist:**

15/01444/FUL - there is no reference to trees on site and no plans or details referring to trees I am therefore unable to comment

## **6. Summary of Issues**

The application site is located on the western side of Hunters Chase. The application site currently forms part of the curtilage of the dwelling known as Rosneath; comprising part of the garden of Rosneath and there is a double detached garage on the application site. The site is located within the Green Belt and as such the main considerations in the determination of this proposal are; Green Belt considerations, sustainability, design and character of the area, residential amenity, living conditions, parking and highway considerations and landscape considerations:

Relevant history

Planning permission was sought for the construction of a 3 bedroom dwelling on this site (ref. 15/00571/FUL). The dwelling previously proposed under 15/00571/FUL was refused permission by the Council for the following reasons:

1. The proposal constitutes inappropriate development in the Green Belt which would materially detract from the openness of the Green Belt and represents encroachment of development into the countryside contrary to Chapter 9 of the National Planning Policy Framework and Policies GB1 and GB2 of the Brentwood Replacement Local Plan 2005.
2. The occupiers of the new dwelling would be likely to rely on private vehicles for a high proportion of all journeys. This would directly conflict with paragraph 35 of the National Planning Policy Framework which indicates that developments should be located to give priority to pedestrian and cycle movements and should have access to high quality public transport facilities.

3. The new dwelling would materially detract from open and sporadic plotland character of the area and would result in the further urbanisation of the plotlands, contrary to Chapter 7 of the National Planning Policy Framework and Policies CP1(i) and CP1(iii) of the Replacement Local Plan 2005.

4. Other matters that may weigh in favour of the proposal have been considered but they do not clearly outweigh the harm to the Green Belt and the other harms identified. Therefore very special circumstances to justify inappropriate development in the Green Belt do not exist, contrary to Chapter 9 of the National Planning Policy Framework and Policies GB1 and GB2 of the Brentwood Replacement Local Plan 2005.

The dwelling currently proposed is larger than the dwelling refused under ref. 15/00571/FUL with the refused dwelling having a footprint of some 135 sq. m compared to the current proposal of 193 sq. m. The height of the dwelling proposed now is also around 0.9m higher than the refused scheme.

#### Green Belt Considerations

Paragraph 79 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 88 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

Is the proposal inappropriate development in the Green Belt:

Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt with some exceptions including:

- Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

With regard to the first bullet point above, this site is not included in any Local Plan Policy which allows infilling in the Green Belt. The Council has such a Policy; Policy GB4 which allows within established areas of frontage ribbon development new residential development on genuine infill plots. However, this site forms part of a plotlands area, not a ribbon development and is not specifically identified as a site in Policy GB4.

The term limited infilling is not defined in the NPPF but is generally understood to mean the filling of a small gap in an otherwise developed frontage. Within the wider area around the site, there is no continual frontage, however, there are dwellings to the immediate north and south of the site. The plot width proposed is approximately 14.5m. The plot widths of the adjoining dwellings in this row vary from some 7m - 17m and as such the width of the plot is commensurate with other residential plot widths in the immediate area. The proposal is for a single dwelling, as such the proposal would constitute limited infilling.

However, the site also has to be located in a village to satisfy this exception to inappropriate development. In this case, the site is located within the Havering Grove area, which is an old plotlands area of fairly sporadic housing. As such, the Havering Grove plotlands could not be described as a village. The proposal does not therefore meet the first exception to inappropriate development cited above.

In terms of the second bullet point above, the site does not constitute previously developed land (PDL); the definition of previously developed land contained in the NPPF specifically excludes land in built up areas such as private residential gardens. It is arguable whether the area containing the application site is 'built up' but it is considered that the spirit of that definition would exclude the garden area of Rosneath as PDL. Even if it was PDL the NPPF indicates that it should not be assumed that the whole of the curtilage of PDL should be developed.

In the event that the site amounts to PDL consideration must also be given to the effect of the proposal on the openness of the Green Belt, and how the new built form compares to the existing in terms of size. The new dwelling would have a footprint of almost 6x bigger than the existing garage on the site. Given the size of the proposed building on the site, the proposal would result in material harm to the openness of the Green Belt and would result in the encroachment of development into the Green Belt, thereby conflicting with one of the purposes of including land in the Green Belt and in conflict with one of the fundamental purposes of the Green Belt.

The proposal therefore constitutes inappropriate development in the Green Belt as set out in National Planning Policy and Local Plan Policy.

Very special circumstances that clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm must therefore be demonstrated in order to overcome that harm.

Openness and purposes of including land in the Green Belt:

The new dwelling would be materially larger and bulkier than the existing garage on the site and would therefore materially harm the openness of the Green Belt, contrary to National and Local Planning Policy. The larger building on the site would also result in the encroachment of development in the Green Belt and would therefore also conflict with one of the purposes of including land in the Green Belt, contrary to National and Local Planning Policy.

Character of the area:

The pre-ambles to Policy GB9 states that Havering Grove is the most established of the Borough's formal plotlands and seeks to restrict replacement dwellings and extensions eroding the open character of the area. Although this policy does not strictly refer to new buildings (because the principle of new dwellings is controlled by Green Belt policy) it is clear that the intention of this policy is to prevent a full-scale change of the area by introducing new development into a low-profile, spatially open area with sporadic development.

While the design of the building itself is innocuous, the introduction of a new dwelling will result in the reduction of the spatial quality of the area, and by association, introduce additional domestic paraphernalia thereby eroding the open sporadic plotland character of the area and result in further urbanisation of the plotland area, in conflict with Chapter 7 of the NPPF and Policies CP1(i) and CP1(iii) of the Local Plan.

Sustainability of location

Paragraph 55 of the NPPF considers development in rural areas and indicates that housing should be located where it would enhance or maintain the vitality of local communities. Local planning authorities should avoid granting permission for new isolated homes in the countryside. The term 'isolated' is not defined. In extreme examples it could mean remote from any other dwellings, which would not apply here; however, the term could reasonably be applied to dwellings which, whilst close to others, are remote from services and public transport.

The site is located to the south of Rayleigh Road; some 360m from Rayleigh Road. Rayleigh Road is served by a bus service. However, there are only a few local services nearby in Rayleigh Road such as a garden centre and children's day nursery. However, there is no pavement on Hunters Chase, discouraging any future residents from walking to and from the site. Given the location of the site and the limited number and nature of the nearby services, it is considered that a high proportion of all journeys to and from the dwelling would be made using private vehicles. This would directly conflict with paragraph 35 of the NPPF which indicates that development should be located to give priority to pedestrian and cycle movements and should have access to high quality public transport facilities.

The proposal would conflict with a fundamental objective of the NPPF which indicates that sustainable solutions should be found for development.

### Residential amenity

In terms of overlooking, this proposal is for a bungalow and as such only ground floor windows are proposed. The front windows would be located a minimum of 9m from the front boundary of the site and would be significantly removed from the dwelling opposite and would not therefore result in any undue overlooking or loss of privacy in this regard.

The rear windows would be located only 8m from the rear boundary of the site, however, given that the windows are at ground floor level only and given that the plans indicate that a 2m high fence will be erected on the rear boundary, the proposed rear windows would not result in any undue overlooking or loss of privacy. The ground floor side windows proposed would also be screened by the existing and proposed boundary treatments.

Subject to a condition requiring no first floor accommodation to be constructed it is considered that the proposal would not result in any material overlooking or loss of privacy.

In terms of an overbearing impact, the proposed new dwelling would extend 5.2m beyond the main rear wall of Rosneath, and some 1.4m beyond the existing single storey rear extension at Rosneath. The flank wall of the new dwelling would be located some 6m from the flank wall of Rosneath. Given this degree of separation it is not considered that the proposal would result in any significant or demonstrable harm to the living conditions of Rosneath in terms of dominance, an overbearing impact or loss of light and outlook.

Tangye is the dwelling located to the north of the site. The proposed new dwelling would extend some 3.6m beyond the existing rear wall of Tangye. An isolation space of 2.2m is provided between these two dwellings. Such a relationship is acceptable and it is not considered that the proposal would result in significant or demonstrable harm to the residential amenity of Tangye in terms of dominance, overbearing impact, loss of outlook or loss of light as a result of this development.

#### Living conditions

Adequate sized gardens will be provided to the existing and proposed dwelling and both dwellings will be provided with off-street parking. All habitable rooms in the new dwelling will be provided with windows to provide light, outlook and ventilation. The proposal therefore provides adequate living conditions for any future occupiers of the site.

#### Parking and highway considerations

The Highway Authority has commented that because Hunters Chase is a private road, from a highway and transportation perspective the Highway Authority has no comment to make.

This proposal will result in the loss of the double garage at Rosneath, however, a site visit has been undertaken and it is apparent that there is space at the front of the site for parking. As such, sufficient parking will be provided to the existing dwelling.

The new dwelling proposed will be provided with access and parking for two vehicles.

As such the parking provisions at both the existing and proposed dwellings is considered acceptable and no objection is therefore raised on this basis.

#### Landscaping considerations

The Tree Officer comments are awaited. However, the Tree Officer previously raised no objection to the proposal under ref. 15/00571/FUL. It is considered that the proposal would not have any adverse impact on existing trees in the area. However, given the nature of the proposal, it is considered necessary to condition any grant of consent to require a landscaping scheme to be submitted. Subject to such a condition, no objection is therefore raised on this basis.

## Other considerations and Green Belt balance

The site is located in the Green Belt and it has been concluded that the proposal would constitute inappropriate development in the Green Belt, would result in material harm to the openness of the Green Belt and would conflict with one of the purposes of including land in the Green Belt. The proposal would significantly and demonstrably harm the character of the plotland area as it would reduce the open and sporadic nature of the area and would be unsustainable, with the majority of trips to and from the site likely to be undertaken by private vehicles.

The NPPF states that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The Council cannot currently identify sufficient land for housing that would satisfy the requirements of the Framework. However the 6 October 2014 revision to the on-line Planning Practice Guidance (Paragraph: 034 Reference ID: 3-034-20141006) made it clear that when taking decisions in respect of proposals in the Green Belt an unmet need for housing is unlikely to outweigh the harm to the Green Belt such as to constitute very special circumstances justifying inappropriate development within the Green Belt. It is considered that there is no reason why this approach should not apply to this proposal. Any new development represents a boost to the local building and supplies industries and the additional dwelling would make contribution to the local housing stock, albeit a very limited contribution. However, these benefits of the proposal do not clearly outweigh the significant harm identified.

As such, the Council's lack of 5 year housing supply would not outweigh the harm identified and would not constitute the very special circumstances required to outweigh the harm identified.

In the Design and Access Statement, the Agent refers to previous applications for extensions and replacement houses in the area, however, these are not directly comparable. Reference is also made to the permission granted for a new dwelling at Oo Kares, and refers to information about bus services, and letters of support from residents. However, none of these either individually or taken together amount to 'very special circumstances' that clearly outweigh the harm identified.

## Other Matters

Attention is drawn to a new dwelling granted planning permission under reference 13/00894/FUL - Oo Kares, Foxes Grove - construction of 1x 3-bed dwelling on land adjacent Oo Kares approved by the Planning Committee in 2013 against the recommendation of officers. However, since that time the Council has refused permission for a new dwelling on the application site as it represents inappropriate development in the Green Belt - that determination is a material consideration in the decision making process of this current application and considerable weight should be attached to it.

In another example planning permission was refused by the Council for the construction of a single storey dwelling at land on the north side of Rayleigh Road Woodside (ref. 13/01213/OUT) on Green Belt grounds. Although not within the plotlands, the characteristics of that site are not dissimilar to that proposed here, where the applicants case relied on the site being surrounded by existing development. In dismissing the appeal, the Inspector concluded that little weight could be given to that argument, since the site and its surroundings are essentially within an area of countryside, both physically and in terms of planning policy - like many rural areas on the outskirts of settlements it contains a number of dwellings, other buildings and commercial uses which serve the local community.

While each case must be decided on its own merits, officers are of the view that planning policy makes it clear that even to overcome policy harm, the physical features of the Green Belt are not in themselves a justification for allowing inappropriate development in the greenbelt, no matter how well merited or innocuous the development may appear, as cumulatively such development would unacceptably undermine Green Belt objectives.

## Conclusion

The proposal would constitute inappropriate development in the Green Belt, would result in material harm to the openness of the Green Belt and would conflict with one of the purposes of including land in the Green Belt. The proposal would significantly and demonstrably harm the character of the plotland area as it would reduce the open and sporadic nature of the area and would be unsustainable, with the majority of trips to and from the site likely to be undertaken by private vehicles. There are no very special circumstances that outweigh the harm identified and therefore no justification to allow this inappropriate development in the Green Belt. The application is therefore recommended for refusal.

## 7. Recommendation

The Application be REFUSED for the following reasons:-

R1 U11707

The proposal constitutes inappropriate development in the Green Belt which would materially detract from the openness of the Green Belt and represents encroachment of development into the Green Belt contrary to Chapter 9 of the National Planning Policy Framework and Policies GB1 and GB2 of the Brentwood Replacement Local Plan 2005.

R2 U11708

The occupiers of the new dwelling would be likely to rely on private vehicles for a high proportion of all journeys. This would directly conflict with paragraph 35 of the National Planning Policy Framework which indicates that developments should be located to give priority to pedestrian and cycle movements and should have access to high quality public transport facilities.

R3 U11709

The new dwelling would materially detract from open and sporadic plotland character of the area and would result in the further urbanisation of the plotlands, contrary to Chapter 7 of the National Planning Policy Framework and Policies CP1(i) and CP1(iii) of the Replacement Local Plan 2005.

R4 U11710

Other matters that may weigh in favour of the proposal have been considered but they do not clearly outweigh the harm to the Green Belt and the other harms identified. Therefore very special circumstances to justify inappropriate development in the Green Belt do not exist, contrary to Chapter 9 of the National Planning Policy Framework and Policies GB1 and GB2 of the Brentwood Replacement Local Plan 2005.

### Informative(s)

1 INF04

The permitted development must be carried out in accordance with the approved drawings and specification. If you wish to amend your proposal you will need formal permission from the Council. The method of obtaining permission depends on the nature of the amendment and you are advised to refer to the Council's web site or take professional advice before making your application.

2 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: GB1, GB2, GB9, CP1, T2 the National Planning Policy Framework 2012 and NPPG 2014.

3 U02734

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and, 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 meet with the Applicant to discuss the best course of action via pre-application advice in respect of any future application for a revised development.

*BACKGROUND DOCUMENTS*

**DECIDED:**