

Report to District Development Control Committee

Date of meeting: 1 December 2009



**Epping Forest
District Council**

Subject: Planning Application EPF/1631/09– Red Cottage, New Farm Drive, Abridge – Retention of replacement dwelling

**Officer contact for further information: K Smith
Committee Secretary: S Hill Ext 4249**

Recommendation:

That the Committee considers an application to retain the dwelling which has been constructed without the benefit of planning permission.

Report Detail

1. Members may recall an item which was considered at the meeting of 4th August, which sought the Committee's decision as to whether or not enforcement action should be taken in respect of the unauthorised dwelling on the site.
2. The Committee considered a report referred by Area Planning Committee East. The report outlined that an eight bedroom detached dwelling had been constructed on land at New Farm Drive, within the Metropolitan Green Belt, without planning permission. A further large conservatory was also now part constructed on the site, again without the benefit of planning permission. The house had received building regulation approval. The Committee noted that a permission had been issued on the site in 2005 but that the erected dwelling was significantly larger and different in design. The house was within the Metropolitan Green Belt and, by definition, harmful to its openness. The Committee considered that the applicants should be given a four week period in which to submit a full planning application for the site, which the District Development Control Committee would consider.
3. This application was submitted as a result of that decision, within the four week period. It proposes the demolition of the conservatory addition to the rear of the dwelling and the retention of the remainder of the dwelling.

Planning Issues

Description of Proposal:

4. This application proposes the retention of the unauthorised 8 bedroom detached two storey dwelling with basement. It is proposed that the conservatory would be removed.

5. The house is of traditional design with an L shaped foot print. It is mainly two storeys in height. The first floor of the two storey element is partly included within a deep roof that includes dormer windows to all elevations. The two storey element includes a basement that closely approximates the ground floor footprint. Due to variations in site levels and due to a variation in roof height the height of the two storey element above ground level varies between 7.5m at the rear to 8.5m at the front.

6. The two storey element has a width of 14.5m across the front elevation and a total depth of 17.5m. The volume of the house based on external dimensions (excluding the section which is not proposed to be retained) is 1600 cubic metres. This includes the volume of the basement (approximately 600m³) which is partly provided below ground level.

Description of Site:

7. The application site is located on the west side of New Farm Drive where it is a private way serving North Lodge, Red Cottage and North Barn. An area of land to the south and west of the site is lawfully used as a kennels and cattery and a further 5.6 hectares of land beyond the site on the east side of the private way is used for agriculture. The ground level of the site varies, increasing in height slightly gradually from north to south. Levels increase more steeply from the boundary with New Farm Drive due to made up ground levels on the site. North Lodge, a large detached house with garden is located at lower level immediately to the north of the site, beyond which is an open field. Beyond the kennels and cattery to the south and west of the site are open fields. The land was previously a landfill site that, according to Council records, contained household waste, munitions and hazardous industrial waste. Any development therefore needs to deal with potential for harmful landfill gas to impact on it. The location of the landfill in relation to the application site is such that the Council's Contaminated Land Officer is satisfied that, in this instance, potential contamination may reasonably be dealt with by mitigation methods which may be secured by planning condition.

Relevant History:

EPF/1618/04. Replacement dwelling (revised application). Approved 10/11/04.

EPF/0747/05. Amendment to EPF/1618/04 for insertion of additional dormer windows to front and side elevations, of approved new dwelling. Approved 17/08/05.

EPF/0531/09. Amendments to replacement dwelling approved under application EPF/0747/05. Refused 18/05/09 for the following reason:

The replacement dwelling, by virtue of its size, bulk, scale and mass is significantly larger than the original building it replaced. Furthermore, because of its overall height and scale, the building detracts from the openness of the Green Belt and as a result this constitutes inappropriate development. There are no special circumstances that outweigh this harm to the Green Belt, and the proposal is therefore contrary to policies DBE4, GB2A, GB7A and GB15A to the Adopted Local Plan and Alterations.

EPF/0533/09. Rear conservatory. Refused 18/05/09 for the following reasons:

1. *The conservatory by reason of its height and elongated depth, will be conspicuous in the rural setting. Furthermore, the scale and mass of the building would detract significantly from the openness of the Green Belt, as such it constitutes*

inappropriate development and fails to comply with policies GB2A, GB7A, GB14A and DBE4 of the Adopted Local Plan and Alterations.

2. *The rear conservatory by reason of its excessive height and depth will appear overbearing and will thereby result in loss of amenity to occupiers at North Lodge and this would therefore be contrary to policy DBE9 of the Adopted Local Plan and Alterations.*

Policies Applied:

Adopted Local Plan and Alterations

GB2A – Development in the Green Belt
GB15A – Replacement dwellings in the green belt
GB7A – Conspicuous development
DBE1 – Design of New Buildings
DBE4 – New buildings in the green belt
DBE9 – Loss of Amenity
LL2 – Urban Fringe
ST4 – Road Safety
ST6 – Vehicle Parking

Representations Received:

LAMBOURNE PARISH COUNCIL. No objection.

Issues and Considerations:

8. The main issues to be considered in this case are: the acceptability of the proposed development within the Metropolitan Green Belt; the impact of the proposed development on the character and appearance of the area and the impact on residential amenity.

Green Belt

9. Policy GB15A is the main policy of the Local Plan against which such development is assessed. It sets out a number of criteria that development should meet, the two most important being that the new house should not be materially greater in volume than that which it replaces and it should not have a greater impact on the openness of the green belt than the house which it replaces.

10. The critical comparison for the purposes of policy GB15A is the volume of the dwelling proposed for retention in relation to what was the existing property prior to its construction. For ease, these figures are presented in bold text. The volume of the dwelling which was approved in 2005 and the existing unauthorised dwelling (including the rear projection) are included for reference:

	Volume	% over Original/"Existing"	% over Approved
Original/"Existing"	280m³		
Approved	670m ³	140%	
Existing 2009	1900m ³	580%	185%
"Proposed"	1600m³	470%	140%

11. It can be seen from the above table that the dwelling is considerably larger than that which is has replaced. The setting of the application site is predominantly rural and agricultural in its character and it is considered that the dwelling appears conspicuous within this setting.

Appearance

12. The dwelling appears to have been constructed to a high standard, with the use of high quality and attractive materials. Whilst its detailed design and the choice of materials are considered to be generally in keeping with a rural location, it is felt that its scale is large in relation to the site and the setting.

Residential Amenity

13. The location of the dwelling is such that there is no material harm to the amenities of the occupiers of neighbouring dwellings.

Conclusion

14. This application is very similar to that which was refused planning permission in May this year, under authority delegated to Officers (with the notable difference being the more accurate portrayal on the plans of the elevated position of the dwelling in relation to the ground level). Whilst Officers can see no material change from that refused scheme which would suggest that planning permission should be granted, this application is presented to this Committee without a recommendation following the decision of the Committee on 4th August, when it was requested that an application for the retention of the dwelling be submitted within a four week period, for consideration by the Committee.

15. To aid the Committee's decision, a reason for refusal is suggested for use if Members are minded to refuse planning permission and a list of planning conditions are suggested for use if Members are minded to grant planning permission.

16. Suggested Reason for Refusal:

The replacement dwelling, by virtue of its size, bulk, scale and mass is significantly larger than the original building it replaced. Furthermore, because of its overall height and scale, the building detracts from the openness of the Green Belt and as a result this constitutes inappropriate development. There are no special circumstances that outweigh this harm to the Green Belt, and the proposal is therefore contrary to policies DBE4, GB2A, GB7A and GB15A to the Adopted Local Plan and Alterations.

17. Suggested Planning Conditions:

1. Within four calendar months of the date of this decision the building shown to be removed on the approved plan SD/09/03A shall be demolished and all materials and waste removed from the site.

Reason: In the interest of preserving the open character of the Metropolitan Green Belt.

2. Within six calendar months of the date of this permission (unless otherwise agreed by the local planning authority in writing), a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at

the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

Prior to carrying out a phase 1 preliminary investigation, a protocol for the investigation shall be agreed in writing with the Local Planning Authority and the completed phase 1 investigation shall be submitted to the Local Planning Authority upon completion for approval.

Should a phase 2 main site investigation and risk assessment be necessary, a protocol for this investigation shall be submitted to and approved by the Local Planning Authority before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the Local Planning Authority prior to any remediation works being carried out.

Following remediation, a completion report and any necessary maintenance programme shall be submitted to the Local Planning Authority for its approval in writing.

Reason:- Since the site has been identified as being potentially contaminated and to protect human health, the environment, surface water, groundwater and the amenity of the area.

3. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no extensions generally permitted by virtue of Part 1, Classes A, B and E shall be undertaken without the prior written permission of the Local Planning Authority.

Reason: The Green Belt location of the site and the extent of the residential development warrant the Local Planning Authority having control over any further development to ensure the protection of the open character and appearance of the Metropolitan Green Belt.