| | |
|---|---|
| **APPLICATION No:** | EPF/1962/19 |
| **SITE ADDRESS:** | Patsalls<br>Coach House<br>Pudding Lane<br>Chigwell<br>Essex<br>IG7 6BY |
| **PARISH:** | Chigwell |
| **WARD:** | Chigwell Village |
| **APPLICANT:** | Mr Dhallu |
| **DESCRIPTION OF PROPOSAL:** | The proposed demolition of the existing Coach House building (used as a C3 dwellinghouse as per decision reference EPF/3357/18) and single storey stable building, and construction of a 5 bedroom replacement dwelling. |
| **RECOMMENDED DECISION:** | Refuse Permission |

**Click on the link below to view related plans and documents for this case:**
http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=627215

**REASON FOR REFUSAL**

1 The proposal fails to demonstrate the public benefits of the demolition of this historic asset and its replacement with a contemporary dwellinghouse. Moreover, the proposed development would be situated on higher land and would as a result undermine the setting of the adjacent Grade II Listed Building known as Patsalls. The proposed development therefore fails to accord with policy policy HC12 of the adopted Local Plan 1998, policy DM7 of the SVLP 2017 and the NPPF 2019.

2 The access point for the proposed replacement dwellinghouse is little used at present. There is veteran tree directly adjacent to this existing access point which has been recently granted tree preservation order status due to its civic and public amenity value. The proposed development is likely to result in a greater intensification of use of this existing access and could result in the deterioration of this tree. As such, the proposal is contrary to policy LL10 of the adopted Local Plan 1998, policy DM5 of the SVLP 2017 and the NPPF 2019.

*This application is before this Committee as the application has been 'called-in' by Councillor Sunger (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g)*

**Description of Site:**

The site is in a rural setting located on the north eastern side of the Patsalls, a Grade II Listed Building, adjacent to Pudding Lane in Chigwell Row. Some buildings associated with the Patsalls include a two storey building known as the 'Coach House' and a single storey

outbuilding, all of which are constructed in traditional roof form and materials. The Patsalls is built on lower ground and it is situated about 150 metres from the application site. The access to the site will be from Pudding Lane which is located some 140 metres from the site and a new access from Pudding Lane is proposed for the proposed dwellinghouse.
The site is within the Metropolitan Green Belt, it is surrounded by trees, veg**e**tation and open countryside.

The site is defined by a submitted plan, FGA-001. The building in question is shown as a roughly square outline in a bold line. The site is defined by a red line. Within the red lined site are two parcels of land: a parcel around the footprint of the building and, to the southeast of this, a larger parcel of land.

The application building is known as the Coach House. The building appears to have also been known as The Cottage or The Barn. The site is not within a Conservation area and the application building is Curtilage Listed. This is because although a Lawful development certificate has been granted under decision reference EPF/3357/18 on the basis that the Coach House's lawful use is as a C3 dwellinghouse with its own curtilage, there is no boundary treatment separating the two to ensure it is not curtilage Listed. It still therefore has a relationship to the Grade II Listed Building known as 'Patsalls'. Even if there is boundary treatment separating the two sites, the historic nature of the Coach House building would make it a non-designated heritage asset. The significance of demolishing this building and building a new dwlelinghouse would still be assessed critically.

To the west is the built form of the property Patsalls. To the north is Petits Hall. To the east is High Oaks.

**Description of Proposal:**

Curtilage Grade II listed building application and an application for planning permission for the proposed demolition of the existing Coach House building (used as a C3 dwellinghouse as per decision reference EPF/3357/18) and single storey stable building, and construction of a 5 bedroom replacement dwelling.

**Relevant History:**

EPF/3357/18 Land shown hatched on drawing no. FGA-001 Coach House at Patsalls Pudding Lane Chigwell Essex IG7 6BY Certificate of lawful use for existing use of the building as a single dwelling house began more than four years ago. FINAL DECISION 17-01-2019 Lawful

EPF/2526/18 Patsalls Grade II listed building consent for demolition of existing coach house building and erection of new build two storey replacement dwelling. WITHDRAWN 24-09-2018 Withdrawn Decision

EPF/0950/18 Patsalls Demolition of existing coach house building and erection of new build two storey replacement dwelling with basement. WITHDRAWN 24-09-2018 Withdrawn Decision

EPF/1766/15 Patsalls Grade II listed building application to repair impact damage to flank wall. FINAL DECISION 29-09-2015 Grant Permission (With Conditions)

EPF/2179/15 Patsalls Submission of details of conditions; 4 (Sample Roof Tile) and 5 (Drawn Survey of Existing/Proposed Roof) pursuant to planning application ref: EPF/0801/15, dated 22/05/2015. FINAL DECISION 15-09-2015 Details Approved

EPF/0801/15 Patsalls Grade II listed building consent to carry out structural roof repairs, following stripping of roof to the central range. Insertion of new window to ground floor hall. New boiler flue through south cat slide roof. Bollard replacement to roadside. FINAL DECISION 24-04-2015 Grant Permission (With Conditions)

EPF/1302/14 Patsalls Grade II listed building application for alteration and extension to main house. FINAL DECISION 19-06-2014 Refuse Permission (Householder)

EPF/1284/14 Patsalls Pudding Lane Chigwell Essex IG7 6BY Alteration and extension to main house. FINAL DECISION 19-06-2014 Refuse Permission (Householder)

EPF/1272/14 Patsalls Change of use of agricultural building to residential use. FINAL DECISION 18-06-2014 Grant Permission (With Conditions)

EPF/1219/78 Patsalls, Pudding Lane, Chigwell Erection of 6ft high brick wall. FINAL DECISION 04-09-1978 Grant Permission

CHI/0376/64 Patsalls, PUDDING LANE, CHIGWELL, ESSEX, IG7 6BY CONVERSION INTO 1 HOUSE WITH NEW ACCESS FINAL DECISION 21-10-1964 Grant Permission

**DEVELOPMENT PLAN**

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

The following policies within the current Development Plan are considered to be of relevance to this application:

| | |
|---|---|
| CP1 | Achieving Sustainable Development Objectives |
| CP2 | Protecting the Quality of the Rural and Built environment |
| GB2A | Development in the Green Belt |
| HC12 | Development Affecting the Setting of Listed Buildings |
| DBE1 | Design of New Buildings |
| DBE4 | Design in the Green Belt |
| DBE8 | Private Amenity Space |
| DBE9 | Loss of Amenity |
| LL10 | Adequacy of Provision for Landscaping Retention |
| ST4 | Road Safety |
| ST6 | Vehicle Parking |

**NATIONAL PLANNING POLICY FRAMEWORK (FEBRUARY 2019)**

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

(a) approving development proposals that accord with an up-to-date development plan without delay; or

(b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

**EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION (2017) (LPSV)**

Although the LPSV does not currently form part of the statutory development plan for the district, on 14 December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. The appointed Inspector has since provided their initial advice on the LPSV following the Independent Examination and hearing sessions. This advice was given without prejudice to the Inspector's final conclusions.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

| Policy | | Weight afforded |
|---|---|---|
| SP1 | Presumption in favour of sustainable development | Significant |
| SP2 | Spatial Development Strategy | Significant |
| CP2 | Protecting the quality of the rural and built environment | Significant |
| DM9 | High Quality Design | Significant |
| SP6 | Green Belt and District Open Land | Significant |
| SP7 | The Natural Environment, Landscape Character and Green and Blue Infrastructure | Significant |
| H1 | Housing mix and accommodation types | Significant |
| T 1 | Sustainable transport choices | Significant |
| T2 | Safeguarding of routes and facilities | Significant |
| DM1 | Habitat protection and improving biodiversity | Significant |
| DM2 | Epping Forest SAC and the Lee Valley SPA | Significant |
| DM3 | Landscape Character, Ancient Landscapes and Geodiversity | Significant |
| DM4 | Green Belt | Significant |
| DM5 | Green and Blue Infrastructure | Significant |
| DM7 | Heritage Assets | Significant |
| DM10 | Housing Design and Quality | Significant |
| DM11 | Waste recycling facilities on new development | Significant |
| DM12 | Subterranean, basement development and lightwells | Significant |
| DM15 | Managing and Reducing Flood Risk | Significant |
| DM16 | Sustainable Drainage Systems | Significant |
| DM17 | Protecting and enhancing watercourses and flood defences | Significant<br>Significant |
| DM18 | On site management of waste water and water supply | Significant |
| DM19 | Sustainable water use | Significant |
| DM21 | Local environmental impacts, pollution and land contamination | Significant |
| DM22 | Air Quality | |

**Summary of Representations Received**

2 NEIGHBOURS CONSULTED: NO REPRESENTATIONS RECEIVED AT TIME OF WRITING REPORT
SITE NOTICE POSTED: 27.08.2019
CHIGWELL PARISH COUNCIL:

EPF/1962/19 (PLANNING APPLICATION): NO OBJECTION

EPF/1968/19 (CURTILAGE GRADE II LISTED BUILDING CONSENT APPLICATION): NO OBJECTION SUBJECT TO THE HERITAGE OFFICER'S DETERMINATION THAT THE PROPOSED DEVELOPMENT ABIDES BY THE APPLICABLE PLANNING REGULATIONS.

**Main Issues and Considerations:**

The main issues with this application relate to the following:

- Design of the proposal and its impact on the setting of the Grade II Listed Building known as 'Patsalls'.
- Living Conditions of neighbours
- Highway Safety and Parking
- Trees and Landscaping

Other Matters relating to impact of proposal on land drainage, land contamination, living conditions of future occupiers, the Epping Forest SAC and Air Quality are also discussed in this report.

Design of the proposed dwellinghouse and its impact on the setting of the nearby Grade II Listed Building known as 'Patsalls'

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect listed buildings and conservation areas respectively.

The Patsalls is a Grade II Listed Building. The Coach House building (application building) is adjacent to this building and is curtilage Listed. Further into the site is a single storey stable building. This is also curtilage listed but of less historic importance in terms of its design and appearance and due to it being a modern addition to the site. The new dwelling will be closer to this single storey building which is associated with the Patsalls Grade II Listed Building. The proposal would be single storey with parapet walls and flat roof and would have a large proportion of built form underground.

The proposed replacement dwellinghouse is considered to detract from the setting of the Listed Building known as Patsalls due to the proposed scale, contemporary design, and its position on higher ground to the east of the Listed Building. In views from the Listed Building to the east it appears that the building form of the proposed house would create a modern, boxy skyline which would appear incongruous within the relatively open landscape setting of the traditional, vernacular house.

The removal of the Coach House building to facilitate the proposed dwellinghouse is unjustified, since it is not terminally irrecoverable as a structure, but in a good state of preservation, and the great majority of its components are original and C19 in date. To demolish it would constitute substantial harm to the curtilage listed asset itself, and a moderate level of harm to the setting of the listed Patsalls house adjacent. Such a high level of harm to a designated heritage asset is not justified by any of the exceptional public benefits that would need to be accrued in order for the project to align with Paragraph 195 of the NPPF 2019, as follows:

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a) the nature of the heritage asset prevents all reasonable uses of t he site; and

b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

c) conservation by grant -funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

d) the harm or loss is outweighed by the benefit of bringing the site back into use.
None of the above applies here, since the development is not necessary in order to deliver substantial public benefits, and therefore the development is contrary to this and other associated paras in the NPPF. To remove the building, and to replace it with a building of indifferent suburban design, would not conform to ss. 16 and 66 of the Planning (LBCA) Act 1990, which states,

16. In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

This development does not pay regard to the preservation of the curtilage listed building, and would be contrary to the requirement to preserve the setting of the grade II listed Patsalls house.

By implication, the proposals do not accord with policy HC12 of the adopted Local Plan 1998, policy DM7 of EFDCs emerging Local Plan, and the NPPF 2019 which all seek to ensure that historic assets are conserved in a manner consistent with their significance.

Living Conditions of neighbours

The new dwelling would be located several metres away from surrounding dwellings Petits Hall and High Oaks. It will therefore, not give rise to any concerns in regards to the impact on the amenities of neighbouring occupiers, particularly in terms of ooverlooking, loss of outlook or appear overbearing.

However, there may be some vibration and noise disturbance during the construction process form heavy trucks. Whilst this might affect the amenities of nearby residents, particularly those residents within the curtilage of Patsalls, it would be temporal inconvenience and a construction management statement and hours of construction condition be imposed in the event of approval.

Metropolitan Green Belt

The site is within the Metropolitan Green Belt where the National Planning Policy Framework highlights that the “the construction of new buildings is inappropriate”. However, the NPPF lists a number of exceptions to this.

One of these exceptions is the re-development of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. I note that the documentation includes figures of floor space and volumes for the two buildings on the site, the coach house and the outbuilding/stable building and of the proposed house.

It is noted that planning permission EPF/1272/14 was for the coach house to be used as a dwelling, planning permission was for the change of use of agricultural building to residential use.

The proposal would result in a total increase of 27 percent increase in the above ground volume compared with the existing Coach House Building and single storey stable building. Case law and some recent appeal decisions have highlighted that that below ground/basement developments within the Green Belt does not adversely undermine the openness of the Green Belt both in visual and spatial terms. The volume of below ground level developments within the Green Belt are therefore discounted and it would be difficult to argue that the below ground level development undermines the openness of the Green Belt at appeal stage. The twenty seven percent increase is not considered disproportionate to the existing buildings and the proposal is not considered to be inappropriate development within the Metropolitan Green Belt.

Biodiversity and ecology

No objections have been received from the Council's CountyCare team regarding the Phase 1 Habitats Survey submitted with the planning application. A standard condition requiring the applicant to submit details of ways in which they would seek to implement ecological enhancements at the site would have been imposed if the proposal would have been recommended for approval.

Parking and Highways

Two parking spaces have been proposed which meet Essex Parking Standards 2009. The proposed dwelling seeks to an existing existing vehicle access from Pudding Lane (spate to the access to the Grade II Listed Building known as Patsalls. The County Highway Authority has been consulted and has raised no objections to the proposal.

Trees and Landscaping

The Council's Trees and Landscaping team have been consulted on the proposal and have objected to the proposal for the following reasons:

*We note that the applicant intends to use the 'existing access' point into this field. Photos indicate that this is a little used access point. Given that there is a veteran tree directly adjacent to this access point, we object to any intensification of use / installation of crossover for domestic use as we consider that this could result in the deterioration of this tree.*

*We have made a tree preservation order, on the three field boundary oaks, the veteran roadside oak and a further oak within the site'*

As such, the proposal would be contrary to policy LL10 of the adopted Local Plan 1998 which relates to adequacy for the provision of landscape retention. It would also be contrary to policy DM5 of the Local Plan Submission Version 2017 which states that 'Development proposals must demonstrate that they have been designed to retain and enhance existing green infrastructure'. This policy also states that 'the loss, deterioration or fragmentation of irreplaceable habitats, such as veteran trees and ancient woodland, will not be permitted by the Council, unless the need for, and the benefits of, the development in that location can be demonstrated to clearly outweigh the loss.'

Other matters

Land Contamination- No objections received from the Council's Land Contamination Team

Land Drainage – No objections have been received from the Council's Land Drainage team subject to conditions relating to surface water disposal

Living Conditions of future occupiers - The proposal provides generous private amenity space for future occupiers of the proposed dwellinghouse and complies with the Government's Nationally Described Floor Space Standards 2015.

Archaeological Impact of Proposal

The County Council Historic Environment Officer has screened the developed proposal and has no objection to the proposal subject to the imposition of two planning conditions. The first being in relation to the keeping of a Building Record and the second in relation to a Programme of archaeological trial trenching and excavation. This is due to the historic nature

of the site dating back to the medieval period. As the development proposal is recommended for refusal, these two suggested conditions would not be applied.

Epping Forest SAC and Air Quality Impact of the proposal.

Furthermore, the council has sought legal advice, and a replacement dwelling would not have any impact to the integrity of the Epping Forest Special Area of Conservation. As such a section 106 legal agreement in relation to contributions towards air quality or recreational mitigation have not been sought.

**Conclusion:**

Whilst the proposed development would on balance safeguard the openness of the Metropolitan Green Belt, it would result in the loss of a historic asset (Coach House- curtilage Listed) with a replacement dwelling which would be more prominent due to its siting in higher land and its contemporary design. There has not been sufficient justification which would indicate there is public benefit in losing the existing historic asset for a more contemporary and prominent building which would undermine the setting of the nearby Grade II Listed Building when viewed from various angles within the application site. It is accepted that the proposed replacement dwelling would not be not readily visible from the general street scene due to it being well-screened by vegetation, being significantly set back from Pudding Lane and its single storey flat roofed design. This does not outweigh the concerns raised above regarding its prominence in relation to the Grade II Listed Building and the harm caused through losing the Coach House building.

Moreover, the proposed development would involve more frequent use of the existing access leading to the proposed dwelling. This access is situated near a veteran tree which has recently been protected by a TPO (tree preservation order) due to its public and civic amenity value. The health of this Oak would be undermined as a result of the proposal.

The proposal is therefore recommended for refusal and would be contrary to policies LL10, HC12 of the adopted Local Plan 1998, policies DM5 and DM7 of the SVLP 2017 and the NPPF 2019.

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

***Planning Application Case Officer: Sukhdeep Jhooti***
***Direct Line Telephone Number: 01992 564 298***

***or if no direct contact can be made please email:***
***contactplanning@eppingforestdc.gov.uk***