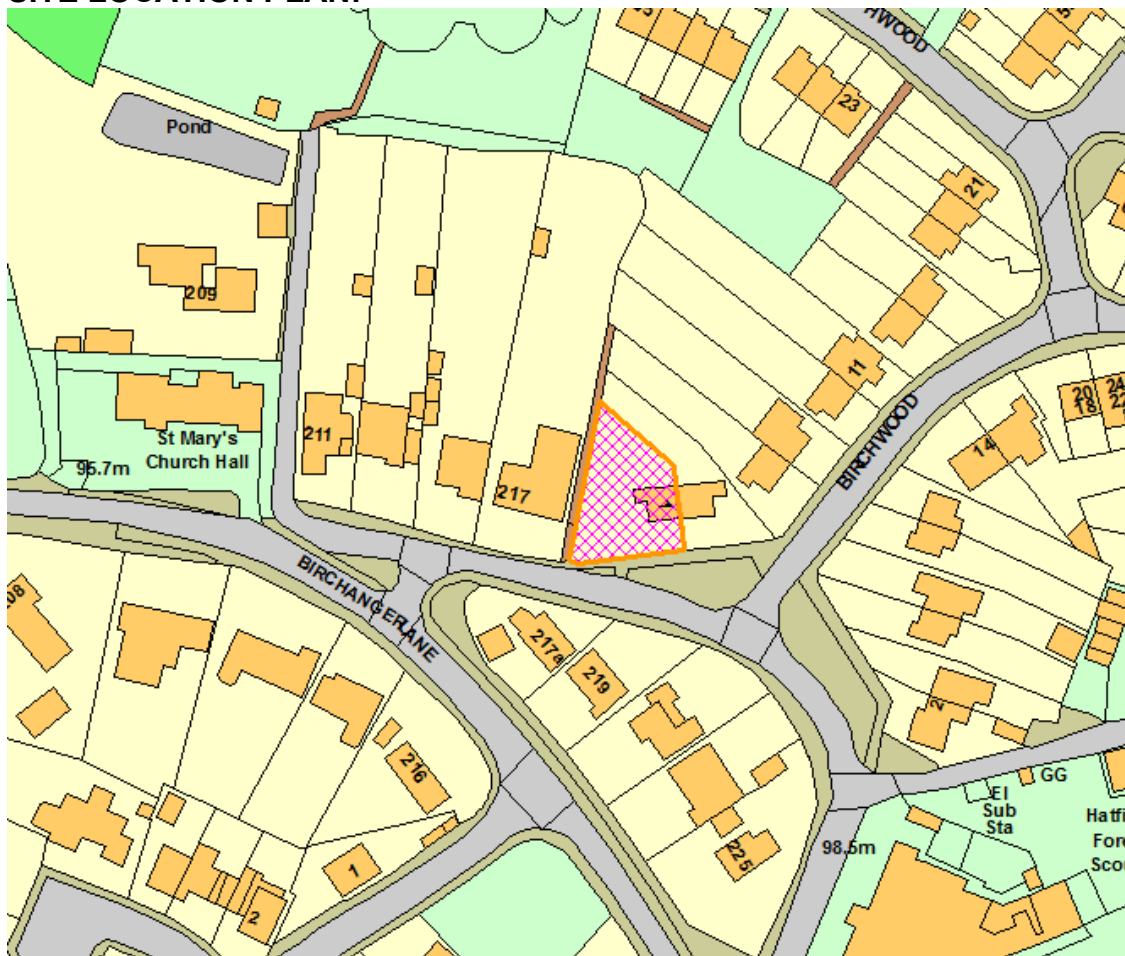


<b>ITEM NUMBER:</b>	<b>8</b>
<b>PLANNING COMMITTEE DATE:</b>	<b>12 February 2025</b>
<b>REFERENCE NUMBER:</b>	<b>UTT/25/0104//HHF</b>
<b>LOCATION:</b>	<b>1 Birchwood Birchanger CM23 5QL</b>

# **SITE LOCATION PLAN:**



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Organisation: Uttlesford District Council      Date: 16 January 2025

**PROPOSAL:** Proposed alterations and two storey extension

**APPLICANT:** Mr Doug Malins

**AGENT:** Miss Ellie Clarke

**EXPIRY  
DATE:** 12 March 2025

**EOT EXPIRY -  
DATE:**

**CASE  
OFFICER:** Miss Katherine Jennings

**NOTATION:** Within Development Limits

**REASON THIS  
APPLICATION  
IS ON THE  
AGENDA:** Council Property.

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## **1. EXECUTIVE SUMMARY**

- 1.1** The applicant seeks planning permission for a two-storey extension and accompanying alterations such as landscaping and demolition of a ramp and outbuilding.
- 1.2** With a finely balanced assessment, the proposals are appropriate with respect to their design and appearance, and they would not result in significant harm to the amenities enjoyed by adjoining occupiers, to parking or to biodiversity.
- 1.3** The proposals have been assessed against the relevant policies contained within the Development Plan and the NPPF. It has been concluded that they comply and in accordance with these policies and guidance. In conclusion, it has been found that the proposals are acceptable and thus are recommended for approval subject to conditions.

## **2. RECOMMENDATION**

That the Strategic Director of Planning be authorised to **GRANT** permission for the development subject to those items set out in section 17 of this report -

- A) Conditions
- B) Expiration of the notification period

**3. SITE LOCATION AND DESCRIPTION:**

- 3.1** The application site is located along Birchwood, a road located just off Birchanger Lane which is the main road through the village of Birchanger. The extent of the application site is as shown by the land edged in red on the site location plan submitted in support of this application.
- 3.2** The dwelling house is two storey and semi-detached with a small brickwork outbuilding attached to the property. It is finished externally with white render and has a gable roof on the main dwelling and a flat roof on the outbuilding. Parking is located to the front of the dwelling along the driveway. There is a garden to the rear and side of the dwelling.
- 3.3** The application site is located in a residential area of Birchanger. Within the locality, the built form largely includes semi-detached two storey dwellings, externally finished with cream render. The closest neighbouring properties are either side of the dwelling and to the front.

**4. PROPOSAL**

- 4.1** Planning permission is sought for a two-storey extension with a smaller one-storey extension alongside. This would include demolishing and ramp and outbuilding to make way for the extension. The external materials would all be to match the materials of the existing property. The roof type on the two-storey extension would be a gable roof but positioned lower than the ridgeline of the original dwelling. The one-storey extension would have a lean-to roof.
- 4.2** The proposals also include soft landscaping on the application site, such as new planting beds and turfing as well as hard landscaping, such as a new driveway and new pathway.

**5. ENVIRONMENTAL IMPACT ASSESSMENT**

- 5.1** Not applicable.

**6. RELEVANT SITE HISTORY**

- 6.1** There is no relevant site history for this application.

**7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

- 7.1** No pre-application discussions were undertaken between the Applicant and the Council prior to the submission of the Application.

**8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

- 8.1** There was no statutory requirement to consult any statutory consultees as part of the assessment of this proposal.

**9. PARISH COUNCIL COMMENTS**

**9.1** No comments received as of this assessment.

**10. CONSULTEE RESPONSES**

**10.1** It was not required that any other consultees be consulted on this proposal.

**11. REPRESENTATIONS**

**11.1** 4 notification letters were sent to nearby properties. At the time of writing this report, no representations have been received.

**12. MATERIAL CONSIDERATIONS**

**12.1** In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the “Considerations and Assessments” section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

**12.2** Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

- a) The provisions of the development plan, so far as material to the application:
  - (a) a post-examination draft neighbourhood development plan, so far as material to the application,
- b) any local finance considerations, so far as material to the application, and
- c) any other material considerations.

**12.4 The Development Plan**

**12.4.1** Essex Minerals Local Plan (adopted July 2014)  
Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)  
Uttlesford District Local Plan (adopted 2005)  
Uttlesford Design Code (adopted July 2024)  
Felsted Neighbourhood Plan (made February 2020)  
Great Dunmow Neighbourhood Plan (made December 2016)  
Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)  
Thaxted Neighbourhood Plan (made February 2019)  
Stebbing Neighbourhood Plan (made July 2022)  
Saffron Walden Neighbourhood Plan (made October 2022)  
Ashdon Neighbourhood Plan (made December 2022)

### **13. POLICY**

#### **13.1 National Policies**

##### **13.1.1 National Planning Policy Framework (2024)**

#### **13.2 Uttlesford District Local Plan 2005**

<b>13.2.1</b>	S7	The Countryside
	GEN2	Design
	GEN4	Good Neighbourliness
	GEN7	Nature Conservation
	GEN8	Vehicle Parking Standards
	H8	Home Extensions

#### **13.3 Supplementary Planning Document or Guidance**

Uttlesford Local Residential Parking Standards (2013)  
Essex County Council Parking Standards (2009)  
Supplementary Planning Document – Accessible homes and playspace  
Supplementary Planning Document – Developer's contributions  
Essex Design Guide  
Uttlesford Interim Climate Change Policy (2021)  
Uttlesford Design Code (2024)

### **14. CONSIDERATIONS AND ASSESSMENT**

#### **14.1 The issues to consider in the determination of this application are:**

- 14.2**
- A) Principle of development (S7 and the NPPF)**
  - B) Character and appearance (GEN2, H8 and the NPPF)**
  - C) Neighbouring Amenity (GEN2, GEN4, and the NPPF)**
  - D) Parking (GEN8 and the NPPF)**
  - E) Biodiversity (GEN2, GEN7 and the NPPF)**

#### **14.3 A) Principle of development (S7 and the NPPF)**

**14.3.1** The site is located in an area outside of development limits within the countryside village of Henham whereby Policy S7 states that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

**14.3.2** Although the site is defined within the countryside, it is generally regarded that proposals for modest size extensions to residential buildings are

appropriate in that they will not result in harm to the openness and character of the countryside. Officers consider that the development will not substantially affect the rural area and thus complies with Local Policy S7.

#### **14.4 B) Character and appearance (GEN2, H8 and the NPPF)**

**14.4.1** In terms of design policy, good design is central to the objectives of both National and Local planning policies. The NPPF requires policies to plan positively for the achievement of high quality and inclusive design for the wider area and development schemes. These criteria are reflected in Policy GEN2 (Design) of the adopted Local Plan which also requires that development is compatible with the scale, form, layout, appearance and materials of surrounding buildings.

**14.4.2** Furthermore, Policy H8 adopted Local Plan states that extensions will be permitted subject to their scale, design respecting the original building and that no significant harm to adjoining occupiers occurs.

**14.4.3** With a side extension it should be an aim to leave the principal elevation of the building undisturbed, for example by setting back the extension and setting the ridge height lower than the existing building. If the property is detached the building may be able to be extended in a line with the front elevation. The space that is left around the building is important as this contributes to the overall impact of the extension. Generally, a separation distance of 1m should be left between the side wall of the extension and the curtilage.

**14.4.4** The size and scale of the extension is not ideal but is considered acceptable on balance. The ground floor area almost doubles in size, meaning that the extension is a substantial addition to the original dwelling. The design, however, reduces the visual impact of this substantial addition. The extension is stepped back from the original dwelling and the ridge line of the proposed roof is lower than that of the original dwelling. As such, the extension is clearly subservient and additional to the original dwelling house. The one-storey extension with its lean-to roof and the roofing over the front door also vary the built form and means that bulking and massing is avoided. Therefore, although the extension is large in scale which is not ideal for a semi-detached property, on balance it is well-designed and blends in well with the vernacular of the existing dwelling.

**14.4.5** The materials for the extension are very appropriately chosen as they all match those of the existing dwelling. The windows are well designed and symmetrically placed so that they blend in and look appropriate to those on the existing dwelling.

**14.4.6** The proposed landscaping would significantly enhance the visuality of the dwelling and is one of the significant merits of this proposal. The hard-standing driveway and path will improve usability of the site and the soft

landscaping will make the site more aesthetically pleasing to the locality. A space of at least 5m is still left for landscaping between the proposals and the dwelling to the west which reduces the visual impact of the proposals.

- 14.4.7** When all of the above is considered together and is balanced finely, the proposal would not significantly alter the character of the dwelling or the locality. The size and scale of the proposal is not ideal but, in its design, roofing and details, the proposals mitigate the impact of the scale on the character of the dwelling and the locality. The windows are carefully located and designed as to be aesthetically pleasing and appropriate to the dwelling. The proposed materials are appropriate, and the landscaping proposals would have a positive impact on the site. The proposals thereby comply to policies GEN2 and H8 of the adopted local plan and the NPPF.

**14.5 C) Neighbouring Amenity (GEN2, GEN4 and the NPPF)**

- 14.5.1** Policy GEN2 and GEN4 of the Local Plan states that development will not be permitted unless its design meets a variety of given criteria, including that it minimises the environmental impact on neighbouring properties by appropriate mitigating measures and that it will not have a materially adverse effect on the reasonable occupation and enjoyment of residential property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.

- 14.5.2** Consideration has been given regarding the potential impact the proposal would have on the amenities enjoyed by adjoining occupiers in relation to loss of privacy and loss of light. The proposals affecting the rear are not close enough to any neighbouring garden or amenity space to cause issues with privacy, overbearing or lack of light. The proposals affecting the front elevation face onto a highway and, given that the elevation already has a substantial number of windows, the above issues are not a significant concern. The proposal affecting the side elevation and the neighbour to the west feature no windows and face the wall of the neighbouring property. As such, the privacy of that neighbour will not be affected and there will be no overbearing or loss of light on amenity space since the side elevation faces the neighbouring property. There is also enough space between the two properties for this to not be an issue. In summary, the proposals would not result in unacceptable impacts such as those identified in Policy GEN2 and GEN4.

**14.6 D) Parking (GEN8 and the NPPF)**

- 14.6.1** Policy GEN8 of the Local Plan states that development will not be permitted unless the number, design and layout of vehicle parking places proposed is appropriate for the location as set out in the Supplementary Planning guidance 'Vehicle Parking Standards'. The adopted Council parking standards recommended for at least 2 vehicle spaces for



dwellings consisting of two- or three-bedroom dwellings and 3 spaces for a four or more-bedroom dwelling house.

- 14.6.2** The proposals amount to a total of five bedrooms. It is considered that two vehicles would be able to park on the proposed driveway. Although it is recommended for dwellings with four or more bedrooms to have 3 spaces, the proposed parking is regarded as acceptable on balance given Birchanger's proximity to Stansted and Bishop's Stortford. Therefore, the proposals can be enacted without substantial harm to parking and so the proposal complies with Policy GEN8 of the Local Plan.

**14.7 E) Biodiversity (GEN2, GEN7 and the NPPF)**

- 14.7.1** Policy GEN2 of the Local Plan applies a general requirement that development safeguards important environmental features in its setting whilst Policy GEN7 seeks to protect wildlife, particularly protected species and requires the potential impacts of the development to be mitigated.

- 14.7.2** In the Biodiversity Validation Checklist, question 1 regarding demolition and impacts on the roof had the answer "yes", which indicates that there are environmental or biodiversity concerns. Photographs of the area to be demolished have been provided by the applicant to show whether or not there is evidence of protected species within the area to be demolished. Having assessed these photographs and conducted a site visit, it is not considered that there will be any harm to wildlife.

- 14.7.3** It is thereby regarded that the proposals could be implemented without result in detrimental harm to protected species or their habitats and so is in line with GEN2 and GEN7 of the adopted local plan.

**15. ADDITIONAL DUTIES**

**15.1 Public Sector Equalities Duties**

- 15.1.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

- 15.1.2** The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 15.1.3** Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

**15.2 Human Rights**

- 15.2.1** There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

**16. CONCLUSION**

- 16.1** The proposed development is on balance appropriate in respect to design in that they would respect and be in keeping with the character and appearance of the main dwelling house, the street scene and the surrounding locality. The proposals would neither result in significant harm to the significance and setting of the conservation area or upon the amenities enjoyed by adjoining occupiers. There would also be no harm on parking provision or biodiversity.

- 16.2** The proposals comply with the relevant policies contained within the development plan and as such it is recommended that the application be approved subject to the conditions suggested below.

**17. CONDITIONS**

- 1** The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

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

- 2** The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

- 3** The external finishing materials of the development hereby approved shall be constructed in accordance with the details indicated on Drawing No. UDC-1143-P02 unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interest of preserving the character and appearance of the surrounding area in accordance with Policies GEN2 and H8 of the Adopted Local Plan and the National Planning Policy Frameworks.