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CLOCKHOUSE, DAWS HILL, WALTHAM ABBEY, ESSEX E4 7RD

CHANGE OF USE AND EXTENSION OF EXISTING FORMER GARAGE BUILDING TO FORM TWO BEDROOM HOUSE, PROVISION OF ASSOCIATED PARKING AND LANDSCAPING.

PLANNING STATEMENT BY STEPHEN HAYHURST MA, MRTPI.

REF: 4039/20/PS/PS



1.0 BACKGROUND

Site Description

1.1 The application site has an area of about 540m² containing a detached garage, associated open land, and an access road from Daws Hill.

1.2 In April 2017 planning permission was granted for the alteration and extension of the pre-existing dwelling immediately to the west of the site (“the Clockhouse”) to form 4 x 3 bedroom houses.

1.3 To the south of the Clockhouse is a detached house (“Parima”) and ancillary outbuildings in a rectangular plot the eastern end of which is in line with the eastern boundary of the application site.

1.4 To the east of the application site is the Clockhouse Riding Stables site consisting of a dwelling at the Daws Hill end of the site and stables and other outbuildings towards the site’s eastern and northern edges.

1.5 There are further, mainly detached dwellings nearby both in Daws Hill and along Sewardstone Road.

1.6 To the west of Sewardstone Road is the Lee Valley Caravan Park and Campsite containing over 100 caravan plots.

1.7 I attach at **APPENDIX A** an extract from Google Earth © annotated to indicate relevant features in the vicinity of the application site.

1.8 Although within the Green Belt the surrounding area is quite built up and the application site is not isolated.

Relevant Planning History

1.9 In April 2017 the original dwelling at the Clockhouse was granted permission to be converted and extended to form 4 x 3 bedroom houses (EPF/0198/17).

1.10 Conditions were subsequently discharged in March 2019 (EPF/0882/18) and November 2019 (EPF/1518/18).

1.11 In July 2020 planning permission was granted to vary the planning permission by substituting an alternative external works layout (EPF/2161/18). The scheme has been built as approved.

1.12 I attach the approved external works layout at **APPENDIX B**.

1.13 In the original approved scheme the detached garage building was proposed to be used for some car parking in association with the Clockhouse conversion and three further parking spaces were proposed to the side of it.

1.14 In the revised approved layout a new access spur and turning head were proposed to the rear (north) of the approved gardens and 6 parking spaces were proposed at the rear of those gardens.

1.15 Thus the existing garage is not required to meet the car parking requirements associated with the conversion of the Clockhouse and is therefore redundant.

2.0 DESCRIPTION OF PROPOSALS

2.1 The garage would be extended by 2.4m on its southern side. The resulting building would be converted into a two bedroom, two storey dwelling with a bathroom, kitchen and living-dining area on the ground floor and two bedrooms on the first floor.

2.2 The gross internal floor area would be 91m².

2.3 An 8m x 11m garden of 96.3m² would be provided to the south of the dwelling served by a bi-fold door in the southern elevation off the living area.

2.4 Two car parking spaces would be provided at the end of the access road with sufficient width in the access road to enable vehicles to turn within the site. Electric charging facilities would be provided.

2.5 Bikes would be kept in the garden, in a small shed if necessary. The occupiers would use the bin store provided as part of the adjacent development (see plan at APPENDIX B).

2.6 There is also scope for soft landscaping to complement the setting of the site and to enhance biodiversity.

3.0 ASSESSMENT OF DEVELOPMENT AGAINST GREEN BELT POLICY

3.1 The proposed development involves the re-use and extension of an existing building.

NPPF

3.2 Paragraph 146 of the NPPF states that the re-use of buildings of permanent and substantial construction is not inappropriate in the Green Belt provided that they: -

“... preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.”

3.3 Paragraph 145 defines the following as “not inappropriate in the Green Belt”:-

“the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”.

Local Plan Submission Version (LPSV)

3.4 The guidance in paragraph 146 is re-stated in Policy DM4 (Green Belts) of the Local Plan Submission Version (LPSV) at paragraph D(iv).

3.5 The guidance in paragraph 145 is re-stated in LPSV Policy DM4 at paragraph C(iii).

3.6 Because policy DM4 is strongly consistent with paragraphs 145 and 146 the NPPF significant weight may be given to it in determining this application (as advised in paragraph 48(c) of the NPPF).

Adopted Local Plan (LP)

3.7 Policies GB8A and GB9A of the adopted Local Plan (LP) provide some support for the conversion of existing buildings but were adopted 14 years ago and prepared under the auspices of materially different Government planning guidance in the 2001 version of PPG2. These policies are therefore out of date and limited weight should be afforded to them.

3.8 Although LP policy GB14A supports the extension of existing dwellings (by a maximum of 40% or 50m²) the LP does not reflect the NPPF's "in principle" support for limited extension to all sorts of buildings, not just dwellings. Therefore it should carry limited weight in this case.

Assessment of Extension

3.9 The building would be extended by 2.4m at its western end. This would result in the volume of the building increasing by about 28%. I submit that this would not be a disproportionate addition. It should be noted that the guidance in NPPF paragraph 145 and policy DM4C(iii) does not require an assessment of the impact of the extension on the openness and purposes of the Green Belt in order to determine whether or not it is inappropriate development. It is assumed that an extension that is not disproportionate would not harm the openness and purposes of the Green Belt, as this is intrinsic in the wording of the policy.

3.10 According to the case officer who recommended approval of the change of use and extension of the Clockhouse (EPF/0198/17) the extensions represented a 61% increase in volume compared with the original building. This is obviously much larger than the extension proposed as part of the current scheme.

Assessment of Re-Use of Building

3.11 The former garage building is clearly permanent and substantial and therefore suitable in principle for re-use in accordance with paragraph 146 of the NPPF and policy DM4.

3.12 The proposed change of use would preserve the openness of the Green Belt and not conflict with the purposes of including land in Green Belt for the following reasons:-

- The building is already there and refusal of permission would not prevent its permanent presence.
- The extensive hardstanding adjacent to the garage proposed under the original approved plans would be replaced with a “softer” landscaped garden of 96.3m².
- The use of weatherboard style cladding and plain tiles would reduce the visual impact of the building compared with the existing by introducing sympathetic, vernacular materials.

3.12 Therefore I conclude that the proposed development would not be inappropriate in the Green Belt, would be acceptable in principle and would not require “very special circumstances” to justify it.

4.0 SUSTAINABILITY

Location and Accessibility

4.1 Paragraph 79 of the NPPF says planning policies and decisions should avoid the development of “isolated” homes in the countryside unless one of a number of circumstances is met.

4.2 The judgement in *Braintree DC v SSCLG [2018] EWCA Civ. 610* held that an “isolated” dwelling means “... a dwelling that is physically separate or remote from a settlement.”

4.3 I do not think the application site is isolated or remote.

4.4 The application site is in very close proximity to four existing dwellings (at the Clockhouse and “Parima”). There are at least 30 other dwellings within a quarter mile radius of the application site as well as a number of farm and business premises and the Lee Valley Camping and Caravan Site (refer back to the map at APPENDIX A).

4.5 About 1km to the south along the A112 Sewardstone Road is the built up edge of the Greater London conurbation (in the form of the Yardley Lane Estate in the London Borough of Waltham Forest).

4.6 Although residents of the development would be largely reliant on the use of a car, the site is only 5 minutes (2 miles) drive from Chingford Overground Station (as indicated by the blue line on the map at **APPENDIX C**). Chingford Station has direct and regular connections to London (Liverpool Street). Chingford itself contains a range of shops, leisure, employment and community facilities.

4.7 The aerial view at APPENDIX A shows that there are north and southbound bus stops within 140m of the application site, so that there is also scope for some non-car use.

4.8 Given that the site is not remote it is arguable that paragraph 79 does not apply, but even if it does, the proposed development would be acceptable in accordance with NPPF paragraph 79(c) if “the development would re-use redundant or disused buildings and enhance its immediate setting”.

4.9 The garage building is clearly redundant because the parking needs of the adjoining houses are met by approved revised parking arrangements.

4.10 The immediate setting of the building would be enhanced by:-

- Replacing the extensive hardstanding adjacent to the garage with a “softer” landscaped garden of 96.3m².
- Using sympathetic, vernacular external materials.

4.11 Therefore the proposed development would comply with NPPF paragraph 79.

Environmental Sustainability

4.12 By re-using and extending an existing building the proposed development would help conserve open countryside and would re-use an existing resource.

4.13 Grey water recycling for re-use in toilets and for watering the garden would reduce water consumption.

4.14 The provision of a lawned garden and permeable hard surfaces would reduce the rate of run off of surface water compared with the existing building. This would help to further reduce flood risk in the river catchment.

4.15 The dwelling would be built to a good standard of insulation in order to minimise energy consumption.

4.16 The applicant is keen to incorporate other measures to reduce energy consumption and is investigating possible renewable energy options.

4.17 Electric vehicle charging facilities would be installed in accordance with the requirements of LPSV policy T1 (Sustainable Transport Choices).

4.18 The proposed development would increase the amount of soft landscaping at the site, which would increase the wildlife habitat at the site. The applicant would also undertake further biodiversity enhancement measures and a condition could be imposed to ensure this. A net gain in biodiversity would be achieved in accordance with LPSV policy DM1 (Habitat Protection and Improving Biodiversity).

4.19 I therefore consider that the proposal would be a sustainable development in accordance with National Policy and Guidance.

The Tilted Balance

4.20 In January 2019 the Council's "Housing Implementation Strategy – 2019 Update" claimed only a 4.2 years supply of housing.

4.21 If a Council cannot demonstrate a five years' housing land supply footnote 7 on page 6 of the NPPF requires that development plan policies for the supply of housing are

to be treated as not up-to-date. This will include any policies which make positive provision for housing in an adopted or an emerging development plan.

4.22 Where “relevant policies are out-of-date” para 11 of the NPPF requires planning permission to be granted unless:-

- 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
- 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.

4.23 Whilst it is correct that the Green Belt protects “areas or assets of particular importance”, that would not be breached where the development in question meets the tests set out in the NPPF for it to be treated as “not inappropriate” development.

4.24 In section 3 above I have already concluded that the proposed development would comply with paragraphs 145 and 146 of the NPPF and would therefore be “not inappropriate”.

4.25 Therefore planning permission should be granted unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF”. This is generally referred to as the “tilted balance”.

4.26 In my view the benefits of this proposed development clearly outweigh any adverse impacts.

5.0 OTHER MATERIAL CONSIDERATIONS

Design



5.1 The proposed development is a simple design which would maintain the traditional shape of the original building but add vernacular materials and features so that it would better suit the rural character of the surroundings.

5.2 The proposed materials would also match those used on the adjoining Clockhouse conversion.

5.3 In my opinion it is a good design in accordance with the standard encouraged by section 12 of the NPPF and LPSV policies DM9 (High Quality Design) and DM10 (Housing Design and Quality).

Impact on Amenities

5.4 No other properties would be affected.

5.5 The gross internal floor area of the dwelling would be 91m², in excess of the 79m² minimum for 2 bedroom 4 person houses in the Nationally Described Space Standards (2015).

5.6 The quantitative requirement for the garden of a two bedroom dwelling as set out in the supporting text of LP policy DBE8 (Amenity Space) is 50m². The proposed garden size in this case is 96.3m², which is well in excess of this.

5.7 The qualitative requirements of policy DBE8 would also clearly be met. In particular there would be no overlooking of the garden from the first floor of the adjacent Clockhouse conversion.

Trees, New Planting and Biodiversity

5.8 No trees would be affected by the proposed development

5.9 There is scope for new planting within the proposed garden and along the garden boundaries and a condition could be imposed to require the approval and implementation of landscaping details.

5.10 These details could include native species planting and other small scale ecological enhancements to provide a net gain in biodiversity as required by LPSV policy DM1 (Habitat Protection and Improving Biodiversity).

Traffic & Parking

5.11 The Essex Vehicle Parking Standards (2009) include a minimum standard of 2 parking spaces per dwelling for housing with 2 or more bedrooms. Therefore the proposed provision complies with the standard.

5.12 LPSV policy T1 (Sustainable Transport Choices) requires the provision of electric vehicle charging points within all new developments in order to accommodate the use of low emission vehicles to support improvements in air quality within the District. The proposed development would comply with this requirement.

Drainage

5.13 The Gov.uk flood risk maps show the site to be at very low risk of surface water or fluvial flooding. Although the extension would add some additional hard surface I consider the provision of a soft landscaped garden and permeable hard surfacing materials would more than compensate for this.

5.14 Therefore I consider that the development would be acceptable in terms of LPSV policy DM15 (Managing and Reducing Flood Risk) and no further details are required.

6.0 CONCLUSIONS

6.1 The re-use and limited extension of existing buildings in the Green Belt is permissible under paragraphs 145 and 146 of the NPPF and LPSV policy DM4.

6.2 This existing former garage building is permanent and substantial. It is also redundant, as full provision for the parking needs of the neighbouring houses was met under EPF/2161/18 without the need for the garage.

6.3 The proposed extension would be a 28% increase in volume compared with the original building. The extensions to the neighbouring property approved under EPF/0198/17 involved a 61% increase in volume.

6.4 Therefore the proposed extension cannot logically be considered a disproportionate addition over and above the original dwelling. Neither would it have any materially greater impact on the openness of the Green Belt than the existing building.

6.5 It would not therefore be an inappropriate development in the Green Belt and paragraphs 145 & 146 of the NPPF and LPSV policy DM4 would be complied with.

6.6 The site is not remote or isolated, especially given its close proximity to the edge of the Greater London conurbation just 1km away. It is reasonably close to a wide range of shops, services and community facilities. The occupier's reliance on car use would have less impact than if the journeys were longer. The provision of electric vehicle charging facilities would also encourage them to invest in electric cars even before the 2030 deadline for the sale of petrol and diesel cars to cease.

6.7 Even so, paragraph 79 of the NPPF allows for the provision of isolated dwellings where it would, as in this case, re-use a redundant building and enhance its immediate setting.

6.8 The Council cannot currently demonstrate a five years' housing land supply. Its policies for the supply of housing are therefore out of date. Therefore the so-called "tilted balance" applies. This is despite the site's Green Belt location, as this particular proposal is "not inappropriate".

6.9 What this means in practice is that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

6.10 The proposed development complies with relevant detailed policies in relation to design, protection of amenities, parking, landscaping, biodiversity and drainage.

6.11 Therefore in my view the benefits of providing an additional, well-designed dwelling in compliance with these policies clearly outweigh any adverse impacts and planning permission should be granted.