

3. The Site:

- 3.1 The site lies within the Metropolitan Green Belt and open countryside. It lies in a Water Gathering Area.
- 3.2 The site is formed by a long access track off Long Mill Lane which runs along the western edge of the Old Saw Mill housing development. The drive rises from road level up to the site of the existing house where the application site becomes relatively level. This main section of the site is relatively open with either no boundary enclosure or simple post and rail fencing. There is a large driveway and turning area on the western side of the existing house. The garden is mainly laid to lawn.
- 3.3 The existing dwelling is set out over two storeys with a plain tiled pitched, table-top roof. The house has a brick ground floor and a partly white weatherboard, partly tile hung first floor with white painted timber windows.

4. Planning History:

TM/85/10498/OUT grant with conditions 1 February 1985
(TM/84/774)

Replacement farm house (on site adjacent to existing house which is to be demolished)

TM/86/10138/FUL Refuse 3 October 1986
(TM/86/1174) Appeal Dismissed 25 August 1987

Replacement house.

TM/86/10655/FUL Refuse 19 December 1986
(TM/86/1638) Appeal Dismissed 25 August 1987

Details of siting, design and external and appearance of replacement house
TM/84/774.

TM/88/10920/FUL grant with conditions 31 August 1988
(TM/87/1939)
Replacement farmhouse with double garage.

TM/89/11421/FUL Application Withdrawn 4 January 1989
(TM/87/1938)

Details of replacement farmhouse submitted pursuant of outline permission
TM/84/774.

TM/01/02634/FL

13 December 2001

Construction of two storey and single storey side extension and creation of an entrance lobby

TM/04/00201/FL

Refuse

6 April 2004

Erection of a replacement dwelling

TM/04/03188/FL

Refuse

10 December 2004

Appeal Split Decision
(House allowed and
access refused)

1 June 2005

Erection of replacement dwelling and garage construction of new access road and landscaping

TM/06/00107/FL

Grant With Conditions

1 March 2006

Variation of condition 1 of planning permission ref. TM/01/02634/FL (construction of two storey and single storey side extension and creation of an entrance lobby)

5. Consultees:

5.1 PC: As you are aware, this site has a history of attempted redevelopment. The last being TM/04/03188/FL, for a replacement dwelling on the same footprint and a new access track. This was refused by T&M but on appeal the replacement house was allowed, but the access was refused as being inappropriate development within the Green Belt.

5.1.1 This proposal is for a larger dwelling than the existing (some 40% more above ground with a basement of 195 sqm.). It is in a different location with a new access track. It is not a like for like replacement. It is in a prominent position on higher ground and near the boundary of existing properties, so it will be highly visible.

5.1.2 It is a new build in the green belt so we expect you to justify "exceptional circumstances" to allow it. We object to this application.

5.2 EA: No objection.

5.3 Private Reps: 6/0X/2S/0R + Site Notice - 2 letters of support have been received. One of the letters states that the proposal is well designed and would fit in with the local area.

6. Determining Issues:

6.1 The site is within the Green Belt. A replacement building, within the same use, is considered not to be inappropriate development under paragraph 89 of the NPPF 2012, provided that the replacement building is not "materially larger" than the one it replaces. National policy gives no definition of the term "materially larger".

- 6.2 Policy CP14 of the TMBCS relates to development within the countryside and allows for the “one-for-one” replacement of an existing dwelling subject to national Green Belt policy being applied where relevant.
- 6.3 In light of the above national and local policies, the principle of a replacement dwelling is acceptable in broad policy terms. It must be recognised that the appeal decision in 2005 allowed for a slightly larger replacement dwelling, partly in light of a permission which was extant at the time for an extension to the dwelling and partly because the Inspector felt the additional volume sought at that time was only a minor increase in floor area. It should be noted that the national policy provisions are no different now from those applied by the Inspector in the appeal. So, nothing has changed in the wording of national or local policy relating to replacement dwellings in the Green Belt and there have been no changes on or around the site. Accordingly, it is my view that the 2005 appeal decision is a material planning consideration of considerable weight.
- 6.4 The proposed dwelling would be larger (above ground) in footprint terms compared to the appeal scheme by approximately 22sqm which is a very minor change in my view. Moreover, whilst a small increase in footprint is proposed, the overall height is being reduced. Therefore, in comparative terms the volumes are virtually identical. The basement level would provide a significant increase in *floor space* but not *footprint* or above ground bulk and mass. Consequently, I do not consider that the proposed replacement building is materially larger than the appeal scheme, and therefore the development does not constitute inappropriate development within the Green Belt.
- 6.5 The basement would be subterranean with sunken light-wells and patios which would not be visible unless very close to the property. This is due to the ragstone walls which would impede views of the basement level and the isolated position of the site away from public views. Accordingly, the predominantly subterranean basement would not give rise to any visual harm, in my view.
- 6.6 In addition to objecting on the grounds of being materially larger which has been addressed above, the PC has objected to the siting of the dwelling on a more prominent position, being closer to neighbouring properties and being on higher ground comparative to the appeal scheme. Inspection of the site and the appeal papers leads me to disagree with all of these points. To confirm, the proposed replacement dwelling would not be on higher ground, would have a lower ridge height, is further away from neighbouring properties and would not be in a more prominent position as the dwelling would not be visible from the public highway and has no public views.
- 6.7 The design of the proposed replacement dwelling is a contemporary traditional form, as described above. Whilst the character of the locality is vernacular architecture, the site is in an isolated position with no streetscene or direct visual relationship with nearby dwellings. Accordingly, in my opinion, the contemporary

proposal would not conflict or jar with existing buildings. The particular simple style of contemporary architecture proposed with traditional form and materials is appropriate for this location. The materials and windows have a muted colour palette to assist in the building bedding into the site comfortably and not being a stark addition to the landscape. It is therefore my view that the proposal would accord with paragraphs 57 and 58 of the NPPF and Policies CP1 and CP24 of the TMBCS in relation to achieving high quality design and being a proposal which respects the site and its surroundings.

- 6.8 The proposed replacement dwelling would be set further away from the southern boundary with properties in the Old Saw Mill development and would therefore improve residential amenity, in my view.
- 6.9 The proposed garage would be utilitarian in its design and significantly lower at ridge height than the existing garage building. Timber weatherboarding is proposed with a slate roof and small log store provided by an overhang of the roof to the side. The design of the garage is entirely appropriate for the site, in my view, and its volume has been counted in the overall volume assessment provided by the applicant. I consider the design of the garage to accord with paragraphs 57 and 58 of the NPPF and Policies CP1 and CP24 of the TMBCS in relation to visual amenity.
- 6.10 The garage would be sited closer to the boundary with neighbours but this boundary is well screened by tall fencing, tall conifer hedging and mature landscaping. Accordingly, as a result of the landscaping and the low roof design of the garage, added to the distance the nearest neighbours are sited away from the shared boundary, I do not consider that the garage would give rise to harm to residential amenity.
- 6.11 The proposal does not seek any alteration to the access as suggested by the PC. It is noted that the 2005 appeal decision was a split decision with the new access being refused. This scheme does not seek alternative access arrangements.
- 6.12 The proposal would provide a new package treatment plant to deal with foul drainage. A condition is necessary to ensure the dwelling is constructed with such a system in advance of occupation of the dwelling. Surface water drainage is proposed to a soakaway system.
- 6.13 The site is capable of providing sufficient parking provision to meet the needs of the proposed dwelling. I do not therefore consider the proposal would give rise to harm to highway safety arising from off-site parking.
- 6.14 In light of the above considerations, I am satisfied the proposal would accord with relevant national and local policy and consider the scheme would positively enhance the locality through the use of appropriately designed and detailed modern architecture. I therefore recommend approval.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Schedule dated 27.08.2014, Certificate B dated 02.09.2014, Artist's Impression Of proposed house dated 27.08.2014, Artist's Impression Of proposed house dated 27.08.2014, Design and Access Statement dated 27.08.2014, Location Plan 20/P100A dated 02.09.2014, Site Layout 20/P101 Proposed dated 27.08.2014, Site Layout 20/P102 Existing and proposed dated 27.08.2014, Landscape Layout 20/P103 dated 27.08.2014, Proposed Floor Plans 20/P110 Ground floor dated 27.08.2014, Proposed Floor Plans 20/P111 First floor dated 27.08.2014, Proposed Floor Plans 20/P112 Basement dated 27.08.2014, subject to the following:

Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.
- 2 No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A-E, of Part 1 and Class A of Part 2 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In the interests of safeguarding the openness of the Green Belt and rural visual amenity.
- 4 The existing dwelling shall be demolished within one month of the first occupation of the new dwelling hereby permitted, if not demolished previously, and all arisings therefrom shall be removed from the site.

Reason: To prevent the erection of an additional dwelling in an area where it would not normally be permitted.
- 5 No development shall take place until details of the roof/wall junctions have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: To ensure that the development does not harm the visual amenity of the locality.

- 6 The dwelling hereby approved shall not be occupied until a foul drainage system as detailed within the submitted application form has been provided on site, unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of ensuring ground water is not contaminated within a Water Gathering Area.

Informatives:

- 1 Foul drainage should be connected to the main sewer. Where this is not possible and it is proposed to discharge treated effluent to ground or to a surface watercourse the applicant may require an Environmental Permit from the Environment Agency. The granting of planning permission does not guarantee the granting of a permit under the Environmental Permitting Regulations 2010. A permit will only be granted where the risk to the environment is acceptable.
- 2 Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.
- 3 Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. SUDS seek to mimic natural drainage systems and retain water on or near to the site, when rain falls, in contrast to traditional drainage approaches, which tend to pipe water off site as quickly as possible. SUDS therefore offer significant advantages over conventional piped drainage systems and will be applicable to most sites.
- 4 The applicant is advised that during demolition and construction phase, the hours of working (including deliveries) should be restricted to Monday to Friday 07.30 hours – 18.30 hours. On Saturday 08.00 hours – 13.00 hours with no work on Sundays or Public or Bank Holidays.

- 5 The applicant is advised that the disposal of waste by incineration could give rise to justified complaints by neighbours under Environmental Health Legislation and is contrary to Waste Management Legislation.

Contact: Lucy Harvey