

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation
Control Committee

1st December 2004

AUTHOR/S: Director of Development Services

S/1203/04/F - Stapleford
Erection of Dwelling and Garage Following Demolition of Existing Dwelling Together with Part Change of Use of Agricultural Land to Garden Land at Keepers Cottage, Haverhill Road for Mr & Mrs J Culbert

Recommendation: Approval

Members of Committee will visit the site on Monday 29th November 2004

Departure Application

Site and Proposal

1. Keepers Cottage is one of an isolated group of dwellings located on the brow of a hill in the countryside and Green Belt to the north of the village of Stapleford. The site is occupied by Keepers Cottage, an early twentieth century brick and tile bungalow designed by Edwin Lutyens that has been significantly extended, predominantly over the last 10 years, together with a range of outbuildings along the south-western boundary of the site.
2. The full application, submitted on 9th June 2004 and amended on 26th October and 3rd November 2004, seeks consent to demolish the existing dwelling and outbuildings and to erect a replacement dwelling on the site. The replacement dwelling would comprise three linked elements ranging in height from 5.8 metres to 6.7 metres and with eaves heights ranging from 2.6 metres to 3.1 metres. The central and northern blocks of the replacement dwelling would incorporate accommodation in the roofspace. Under the central block, there is proposed a basement swimming pool, sauna/steamroom and changing area. This sits partly under the footprint of the building and partly beyond its western extremity and leads onto an outdoor terrace area that will be created by excavating part of the site. The replacement dwelling would be constructed to the north of the existing property on land that, although owned by the applicant, has never been formally incorporated into the curtilage of the dwelling. As such, the proposal also seeks to change the use of this land from agricultural to garden land.
3. A covering letter submitted with the application states that the original dwelling was built near the beginning of the last century and has been extensively altered during the last 50 years to form a mix of construction and style. The current buildings appear as a mishmash of shapes and are substandard in terms of accommodation and quality of build. Keepers Cottage benefits from a superb location and the current family (2 adults, 4 children) require more space. Good use has been made of the outbuildings including the large barn which has been used as a covered play area. These outbuildings are not well suited for conversion and the inclusion of their volume in a more holistic approach to the buildings on site would be a better use of the space.

4. The proposed replacement dwelling has been positioned directly north of the existing dwelling. The overall volume of buildings on the site is slightly larger than at present yet has a smaller impact on the environment than the present structures and increases the separation between the dwelling and the immediate neighbours at The House on the Hill. The removal of existing buildings adjacent the driveway will improve openness along this approach and the roof of the new dwelling will be more muted than the current bright orange plain tile roof.
5. A design statement submitted by the applicant's agent states that Fox Hill is prominent in the local landscape and includes a number of dwellings and substantial areas of trees. The houses vary greatly in style and scale but are all substantial detached properties in landscaped settings. The existing property is visible from the surrounding areas with the appearance from a distance being of a tiled roof collection of buildings. The proposal aims to improve the quality of the accommodation by consolidating the accommodation into a cohesive plan form. The proposed house is set further north on the site to enable a better landscaping treatment, to reduce the impact from Haverhill Road and to increase the distance from the neighbouring property.

Planning History

6. The site has a long recent planning history. In 1993, the property consisted of the original bungalow, a flat roof extension to one side, a pump house building to the other side, a long range of outbuildings along the western boundary and a range of detached outbuildings on the south side of the dwelling.
7. Under planning ref: **S/1928/93/F**, an application to erect a 1^{1/2} storey extension on the rear/north side of the dwelling together with the addition of a first floor to the existing bungalow was refused on the grounds that the extension would be out of scale with the existing house and the resultant building would be visually prominent on this elevated site.
8. **S/0524/95/F** – An application for a temporary flat roof extension to the rear of the dwelling was refused on the basis that the design and materials of the extension would be out of keeping with the scale and character of the original dwelling.
9. **S/0658/96/F** – A proposal to add a single storey flat roof extension to the rear of the dwelling together with the change of use of paddock land on the north side of the dwelling to garden land was withdrawn.
10. **S/1483/96/F** – Consent granted for flat roof rear extension. Within this application, the residential curtilage on the north side of the property was shown as an L-shape, wrapping around the north-western side of the long range of outbuildings and including the area currently used as car parking.
11. **S/1940/00/F** - An application to add a chimney to the dwelling was submitted. Whilst this application was being considered, the outbuildings at the front/south of the property were being substantially rebuilt and converted to habitable accommodation and a single storey link constructed between the dwelling and outbuildings. This Authority took the view that the conversion works did not require consent but that the link did. As such, the application was amended and permission was granted for both the chimney and link structure.
12. **S/1819/03/F** – An application to add first floor extensions to the side, rear and front of the dwelling was submitted. This application is still undetermined. Officers intended

to refuse the application on the basis that the original dwelling has already been significantly extended (by well in excess of 50%) and any further additions would contravene policies relating to the extension of dwellings in the countryside.

Planning Policy

13. Structure Plan 2003 **Policy P1/2** states that development in the countryside will be resisted unless the proposals can be demonstrated to be essential in a particular rural location.
14. **Policy P1/3** of the Structure Plan states that a high standard of design and sustainability will be required for all new development which minimises the need to travel and reduces car dependency. In addition development is expected to provide a sense of place which responds to the local character of the built environment.
15. **Policy P9/2a** of the Structure Plan states that within the Green Belt new development, including change of use, will be limited to that required for agriculture and forestry, outdoor sport, cemeteries, or other uses appropriate to a rural area.
16. **Policy GB2** of the South Cambridgeshire Local Plan 2004 states that planning permission will not be granted for inappropriate development in the Green Belt unless very special circumstances can be demonstrated. Development is defined as 'inappropriate' unless it comprises (in part) replacements of existing dwellings in accordance with Policy HG15 and provided there is no adverse impact on the openness of the Green Belt
17. The supporting text to the above policy states that the replacement of dwellings need not harm the objectives of the Green Belt. Replacement on a one-for-one basis may be permitted subject to the requirements of the GPDO (ie – a maximum enlargement of 15% of volume). In addition, the change of use of land to residential curtilage will be resisted where it harms the openness and landscape character of the Green Belt.
18. **Policy HG15** of the Local Plan states that proposals for the replacement of a dwelling in the countryside will be permitted where:
 - The proposed replacement dwelling is in scale and character with the dwelling it is intended to replace;
 - The proposed replacement dwelling would not materially increase the impact of the site on the surrounding countryside.
19. **Planning Policy Guidance Note 2 (Green Belts)** states that there is a general presumption against inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness is clearly outweighed by other considerations. The replacement of existing dwellings need not be inappropriate providing the new dwelling is not materially larger than the dwelling it replaces.

Consultation

20. **Stapleford Parish Council** recommends refusal of the application stating:
 - Not in keeping with area and the style of existing properties;
 - Flouts green belt policy;
 - Constitutes overdevelopment;

- Unsafe access from site on to public highway – Haverhill Road.
21. **The Environment Agency** states that the application does not consider sufficiently issues of surface water and foul water drainage. As such, conditions need to be added to any planning consent requiring such details to be submitted and agreed prior to the commencement of any development.
22. **The Chief Environmental Health Officer** raises no objections in principle although does express concerns about potential noise disturbance to residents during the construction period. As such, it is recommended that a condition restricting hours of use of power operated machinery be applied to any planning consent.

Representations

The application was advertised as a Departure from the Development Plan.

23. Letters of objection have been received from 15 local residents – Old Galewood, Galewood House, The House on the Hill, Galewood End, Hillstead, Middlefield, Longacre, Middlefield Cottage (all these are located in the group of dwellings in the vicinity of the site); 19, 27, 37, & 45 Mingle Lane and 19, 41 & 65 Gog Magog Way. The main points raised are:
- The replacement dwelling is out of keeping with the scale and character of the dwelling it is intended to replace;
 - The replacement is 145-150% of the volume of the existing dwelling including all outbuildings;
 - The replacement dwelling is higher than the existing property, contrary to planning policy, and is sited on higher ground;
 - The dwelling as amended is not significantly different to the original. It has only been reduced in height by 0.2 metres and then only by digging down;
 - The ground level of the footprint is 1.5 metres higher than that of The House on the Hill;
 - The dwelling is almost twice the height of The House on the Hill in the nearest part;
 - The dwelling is situated on higher ground and would therefore be very dominant in the area;
 - The outbuildings along the western boundary of the site are not lived in and should not be included in any calculation;
 - The Middlefield Estate designed by Edwin Lutyens includes Middlefield House, The House on the Hill and Keepers Cottage;
 - The current applicants have increased Keepers Cottage to its present size (sometimes unlawfully);
 - As the dwelling has already been extended by more than the permitted policy increase of 50%, there are no grounds for allowing a further 15% increase;

- The land on which the dwelling would be sited is predominantly agricultural and not domestic land. The domestic curtilage was defined in 1996 and deliberately restricted so that no further building could be constructed on the site;
- The erection of a dwelling on agricultural land would harm the openness of the Green Belt;
- The proposed large, modern building would be out of keeping with the character of the area. The dwelling is not an aesthetically exceptional building that would warrant exceptional treatment in planning terms;
- The proposed dwelling would affect the outlook from and cut out light to The House on the Hill;
- The dwelling would overlook The House on the Hill;
- The new dwelling will require more energy to heat than the existing building resulting in more pollution and effluent being discharged into the surrounding area;
- The noise from the increased activity and plant needed for the swimming pool would impact on this otherwise quiet area;
- Any replacement building should be single storey and of similar style to the existing;
- The proposal would destroy the Lutyens heritage;
- The existing driveway is restricted in width to 2.8 metres. This is insufficient width for access for construction vehicles;
- The scale of the dwelling indicates that it may be used for commercial purposes;
- Since the curtilage was defined, a full hedge and shrubs have been planted around the paddock land. Just prior to the submission of the current application, a football goal and swimming pool were moved onto the land;
- The proposed basement is clearly habitable;
- The male and female changing rooms shown in the original application have now been altered to a pump room, storage and changing room area;
- No justification has been set forward for this departure from Green Belt policy;
- There is no access for the building work required or the traffic that the dwelling will generate;
- The access from Haverhill Road is dangerous and via a 3 metre wide hard track reducing to 2.8 metres in width adjoining The House on the Hill. The smallest Ridgeons lorry is 3.1 metres wide. The House on the Hill has suffered serious damage to the property in the past as a result of building works carried out at Keepers Cottage;

- The southernmost tip of Keepers Cottage is not an existing access, has trees and plants in place, is not suitable for large vehicles, would endanger other users of the drive, and has old and shallow services in the middle of it that feed The House on the Hill's adjacent vineyard;
 - The new garage should be sited on the existing hardstanding;
 - The proximity of the dwelling to The House on the Hill's barn and vineyard could threaten the neighbour's agriculture due to seasonal noise levels. Consent has been given to use the barn for vineyard equipment;
 - A new health and beauty company has just been registered at the dwelling and it appears that it may be intended to use the property for commercial purposes;
 - In the late 1960's, an application was submitted for the replacement of The House on the Hill with a modern building. The application was dropped after much controversy about the historic importance of Lutyens buildings and the importance of the Fox Hill landscape in the Gogs. In the 1970's, an application was made to replace Middlefield bungalow (now Keepers Cottage) with a large modern dwelling. Again, there was considerable concern about the destruction of the local heritage;
 - All spoil should be removed from the site;
24. A petition signed by a total of 37 people was submitted in support of the initial application. 3 of the people who signed the petition (19, 27 and 37 Mingle Lane) have since objected to the application as well as raising the following points:
- The full scale of the proposed building was not made apparent;
 - The fact that the building was to be constructed on agricultural land was not made apparent.

Representation by SOS Green Belt

25. A letter has been received from an organisation established to conserve the historic and Green Belt heritage of Stapleford, Save Our Stapleford Green Belt. Fox Hill, situated in the Gog Magog Hills, was occupied by Cambridge University Fellows in the Edwardian period and major architects (Alkinson, Flockhart and Lutyens) were employed to build houses. The historic scale, layout and design of the houses on Fox Hill have been carefully preserved.

Planning Comments – Key Issues

26. The key issues to be considered in the determination of this application relate to:
- Whether the development is appropriate in the Green Belt, having regard to **Policies GB2(4)** and **HG15** of the Local Plan 2004;
 - Whether the proposed development is in scale and character with the existing property;
 - The extent to which the proposal materially increases the impact of the site upon its surroundings;
 - The impact of the change of use of land from agricultural to garden land upon the character of the countryside and openness of the Green Belt;
 - The impact upon the amenities of adjoining residents.

- The Green Belt

27. National and Development Plan Policies confirm that the replacement of existing dwellings in the Green Belt is not necessarily inappropriate development so long as the replacement is not materially larger than the dwelling it replaces, it is in scale and character with the dwelling it is intended to replace, it would not materially increase the impact of the site on the surrounding countryside and there is no adverse impact on the openness of the Green Belt. These issues are considered below.

The character of the dwelling

28. The original dwelling is a small single storey brick and tile structure incorporating a steeply pitched roof. It stands approximately 5.8 metres high to ridge (2.6 metres high to the eaves). The converted outbuildings on the south side of the dwelling are pitched roof timber and tile structures with a total ridge height of around 4 metres. To the side and rear of the dwelling are 2.6 metre high flat roof timber extensions whilst on the west side of the property is a 4.2 metre high brick pump house building. Adjacent to the western boundary of the site are a range of timber and tin predominantly open-sided outbuildings. These outbuildings are around 31.5 metres long, 7 metres deep and range in height from 2.8 metres to 3.1 metres. The character of the existing site is one of a range of low, single storey buildings that sprawl across the site.
29. The proposal involves the replacement of all of the existing buildings on site with a dwelling comprising 3 linked elements set out in a courtyard arrangement grouped around a terrace on the western side of the building. The replacement dwelling is a brick and tile hipped roof structure incorporating accommodation at first floor level in the northern and central blocks. The northernmost block is 6.1 metres high (2.6 metres high to eaves), the central block 6.65 metres high (3.1 metres to eaves) and the southern block 5.7 metres high (2.9 metres to eaves). At its highest point, the replacement dwelling is just under 1 metre higher than the existing dwelling.
30. The replacement dwelling, unlike the existing, has accommodation at first floor level. However, the building has been kept low and has been designed so that its appearance is of a single storey building with accommodation in the roofspace rather than of a full height two storey dwelling. The plans have been amended to reduce the ridge and eaves heights of the northern block, which previously had the appearance of a two storey building and was considered to be out of keeping with the scale and character of the existing dwelling as well as being dominant in its surroundings. In addition, the amended plans have minimised the number of openings at first floor level in the front/eastern elevation of the dwelling. I would argue that the replacement dwelling, being a low building incorporating low eaves and being designed as a group of interlinked buildings, respects the character of the existing buildings on site.

The scale and impact of the dwelling upon the openness of the Green Belt

31. With regards to the scale of the development, the volume of the existing dwelling, as extended, is approximately 780 cubic metres whilst the volume of the replacement dwelling is around 1470 cubic metres. This represents an increase of some 88%. Clearly, the proposed dwelling is not in scale with the existing dwelling and is therefore contrary to part 1 of Policy HG15 of the Local Plan.
32. However, informal Officer advice has indicated to the applicant that it may be possible to include the volume of the existing outbuildings along the western boundary of the site (which are used for garaging, storage and covered play areas and the volume of

which amounts to approximately 650 cubic metres) when considering the scale of the replacement. This is subject to the proviso that the volume of the replacement dwelling and outbuildings, including garages, should be no more than 15% larger than the volume of the existing dwelling and outbuildings and providing the proposed dwelling and outbuildings would meet all the likely garaging and storage needs that would reasonably be associated with the proposed dwelling and site. The principle reason for this approach is that Part 2 of Policy HG15 of the Local Plan, which relates to consideration of applications for replacement dwellings, refers to the need to consider the impact of a site as a whole on its surroundings rather than specifically to the impact of the replacement dwelling itself. In this instance, it is considered the sprawling nature of the existing structures on site currently has an impact upon the openness of the Green Belt and the visual quality of the surroundings and that there is an opportunity to improve the appearance of the site.

33. The volume of the replacement dwelling and garage represents an approximately 20% increase above the combined figure. (It should be noted that this figure excludes the underground swimming pool, plant room and changing room. Officers have advised that any non-habitable underground accommodation can be in addition to the 15% guideline given that such works would not increase the impact of the dwelling in the landscape). On balance, I consider this relatively modest increase coupled with the removal of the sprawling outbuildings and the consolidation of existing volume into a more concentrated built form has an acceptable impact on the openness of the Green Belt and the site will not have a materially greater impact upon its surroundings than at present.
34. Should Members be minded to approve the application on the basis of the above rationale, it would be essential, given that it has been indicated that such an approach is only acceptable if the proposal meets all the needs of the site, to require a Section 106 Agreement to prevent the erection of any extensions to the dwelling and outbuildings within the garden area. In addition, given that the new dwelling would be built on a separate part of the site to the existing structures, the legal agreement would also need to require the removal of all existing buildings within, I would suggest, three months of the occupation of the new dwelling.

The change of use of land to garden land

35. The change of use of the agricultural/paddock land to garden land would not, in itself, materially harm the openness of the Green Belt because the land in question has been enclosed by hedging and, in appearance, relates more to the residential curtilage than the open countryside. I cannot deny that erecting buildings on this land would have a material impact on the character of the surrounding countryside and openness of the Green Belt. However, this impact needs to be balanced against the removal of all existing structures from other parts of the site. The existing dwelling is visible in long distance views of the site from Haverhill Road. The new dwelling would be moved behind the brow of a hill to the west and would therefore be less apparent than the existing when seen from long distance viewpoints. More immediate views are from the privately owned access track and adjoining dwellings but I am satisfied that, due to the orientation and low profile of the replacement dwelling, its impact upon the countryside and Green Belt would not be sufficiently harmful to warrant refusing the application on this basis.
36. Care will need to be taken in the choice of roofing material for the new dwelling and garage in order to achieve a more muted and hence less prominent tone than the bright orange tiles on the existing dwelling.

Neighbour Impact

37. The owners of the dwelling to the south east of the site, The House on the Hill, have expressed concern about the impact of the development upon their amenities. The replacement dwelling, at its nearest point, would be sited approximately 30 metres away from the neighbouring property. Rooflights inserted in the east/front elevation of the dwelling serve a study, bedroom and ensuite bathroom. Although these rooflights are low in the slope of the roof, the dwelling is orientated so that it faces eastwards rather than directly towards the front elevation of the adjoining dwelling. This factor, together with the distance between the two properties and the presence of substantial mature screening between the two sites (particularly in the front garden of the neighbouring dwelling) leads me to conclude that the adjoining dwelling would not be overlooked to such a degree as to warrant a refusal on this basis. In addition, although the replacement dwelling is sited on higher ground than The House on the Hill, I am satisfied that it is sufficiently far from the neighbour to avoid any undue loss of light or outlook.

Access to the site

38. The issue of the restricted width of the access to the site and the subsequent difficulties construction vehicles will face in trying to access the site has been raised by the immediate neighbouring property. This will be a matter for the applicant and neighbour to resolve and does not justify a refusal of the planning application.
39. The Parish Council has objected to the application for highway safety reasons as the junction of the access drive with Haverhill Road is considered to be hazardous. Whilst I agreed with this comment, the application is seeking to erect a one-for-one replacement rather than proposing development that would materially increase the volume of traffic to and from the site (other than during the construction period) and it would therefore be unjustified to refuse the development on highway safety grounds.

The use of the building

40. Concerns have been raised about the intended use of the building. Apparently, a health and beauty business has recently been registered at the property and concerns have been raised that the applicant intends to run a health and leisure club from the site. In addition, the initial application proposed male and female changing rooms adjacent to the swimming pool, although the amended scheme has now changed this to form one communal space. I must stress that this application seeks to erect a residential dwelling and its use for business purposes would require a further application that would need to be determined on its own merits.

Removal of excavated material from the site

41. The excavation of material in order to form a basement will result in significant amounts of spoil. The applicant has stated that it is intended to dispose of this material on land that he owns on the north side of the application site and has suggested that this could be included as part of any landscaping scheme. Members will be advised verbally at the Committee meeting whether this can be considered as part of a landscaping scheme or whether such works would need to form separate planning application.

The position of the garage

42. Concerns have been expressed that the proposed garage building would be constructed partially beyond land presently used for parking. Measurements have been taken on site and this has revealed that the north-eastern boundary of the site behind the garage is approximately 2 metres shallower than indicated on the plan. As such, amended plans showing the correct dimension of the site will be required before any consent can be issued. This matter does not affect the consideration of the other issues referred to above.

Conclusion

43. In summary it is considered that the proposed dwelling is not in scale with the existing dwelling but that the proposal would not materially increase the impact of the site on the surrounding countryside or adversely impact on the openness of the Green Belt. For that reason, but recognising this is a finely balanced judgement, I support the proposal as a Departure from the Development Plan.

Recommendation

44. A. Having regard to the nature of representations received in respect of inappropriateness in the Green Belt, it is recommended that the application be referred to the Secretary of State as a Departure from the Development Plan.
- B. If the application is not called in by the Secretary of State, the application be Approved subject to the prior signing of a Section 106 Agreement to prevent any extensions to the dwelling together with the erection of additional outbuildings and to require the removal of all existing structures from the site within 3 months of the occupation of the new dwelling, and subject to the submission a revised site plan to amend the position of the north-eastern boundary, approve the application subject to the following conditions:
1. Standard Condition A – Time limited permission (Reason A);
 2. Sc5a – Details and samples of materials for external walls and roofs of the dwelling and garage (Reason – To minimise the visual impact of the development upon the surrounding countryside and Green Belt);
 3. Sc51 – Landscaping (Rc51);
 4. Sc52 – Implementation of landscaping (Rc52);
 5. Sc60 – Details of boundary treatment (Rc60);
 6. Sc21 – Withdrawal of permitted development rights for roof alterations and extensions (Reason – To minimise the impact of the development upon the character of the countryside and the openness of the Green Belt);
 8. Surface water drainage details;
 9. Foul water drainage details;
 10. Restriction of hours of use of power operated machinery during the period of demolition and construction.

Informatives

Reasons for Approval

1. Although the development is not considered to comply with **Policy HG15(1)** of the South Cambridgeshire Local Plan 2004, it is considered that the development would generally accord with the Development Plan policies:

- **Cambridgeshire and Peterborough Structure Plan 2003:** P1/3 (Sustainable design in built development) and P1/2 (Environmental Restrictions on Development);
 - **South Cambridgeshire Local Plan 2004:** GB2 (Development in Green Belt) in regard to there being no greater impact on the openness of the Green Belt and HG15 (Replacement dwellings in the countryside), criterion (2).
2. The development is not considered to be significantly detrimental to other material planning considerations which have been raised during the consultation exercise: Impact of development on the character of the countryside; Residential amenity;

Background Papers: the following background papers were used in the preparation of this report: PPG2 – Green Belts; Structure Plan 2003; Local Plan 2004; Planning Application File S/1203/04/F; and related history files S/1819/03/F, S/1940/00/F, S/1483/96/F, S/0658/96/F, S/0524/95/F and S/1928/93/F.

Contact Officer: Lorraine Casey – Senior Planning Assistant
Telephone: (01954) 713251