
MAIN CASE

Proposal: Erection of dwelling (existing dwelling to be demolished)

Location: Chalk Farm Temple Road Isleham Ely Cambridgeshire CB7
5RE

Applicant: Mr & Mrs S Pammenter

Agent: Peacock Short Limited

Reference No: 10/00982/FUL

Case Officer: Penelope Mills

Parish: Isleham
 Ward: Isleham
 Ward Councillor/s: Councillor Derrick Beckett

Date Received: 7 January 2011 Expiry Date: 4 March 2011

[K287]

1.0 EXECUTIVE SUMMARY

- 1.1 The application seeks full planning permission for a replacement dwelling, following the demolition of the existing dwelling.
- 1.2 The application has been brought to Planning Committee at the request of the Ward Member.
- 1.3 The proposed replacement dwelling would result in a 151.7% increase in floor area, which is significantly greater than the amount allowed by policy H8 of the Core Strategy. No argument or justification has been put forward that would outweigh this policy, and the application is therefore recommended for refusal.

2.0 THE APPLICATION

- 2.1 The application seeks permission for a replacement dwelling with a floor area of 253.72m², which is an increase of 151.7% from the existing dwelling. The main body of the two-storey, pitched roof dwelling forms a 'T-shaped' footprint, from which various single-storey, lean-to elements would project. The design, scale and siting of the dwelling is shown in the submitted plans, which can be found on the planning file and can also viewed online via public access <http://pa.eastcamb.gov.uk/online-applications>.

3.0 **THE APPLICANT'S CASE**

3.1 The applicant's case has been put forward in the supporting Planning Statement, which can be found on the planning file and can also viewed online via public access <http://pa.eastcamb.gov.uk/online-applications>.

4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 The application site comprises a detached pitched roof dwelling, known as Chalk Farm, and its curtilage, on land outside the development envelope for Isleham. The dwelling is accessed via a long private drive from Temple Road and is surrounded by predominantly arable farmland. To the north of the site is a small copse and to the south there are two substantial former agricultural buildings, which are also within the applicant's control.

5.0 **PLANNING HISTORY**

5.1

09/00312/FUL	Change of use of part of agricultural land to commercial (Resubmission)	Approved	16.07.2009
08/01129/FUL	Change of use of part of agricultural land to commercial		06.02.2009
09/00583/FUL	Proposed construction of office/workshop.	Approved	24.09.2009
10/00220/CLP	Proposed erection of single storey side extensions, two storey rear extension, roof extension, front porch and chimney stack.	Approved	20.05.2010
10/00230/CLP	Erection of domestic outbuildings and garage		21.05.2010

6.0 **REPLIES TO CONSULTATIONS**

6.1 **Ward Member**

Cllr Beckett – "I would like to call in 10/00982/FUL to committee on the grounds that this is a significant development in open countryside that is worthy of members discussion to its impact on visual amenity".

6.2 **Parish Council**

No Objection

6.3 **Neighbours**

No representations received.

7.0 **THE PLANNING POLICY CONTEXT**

7.1 **East Cambridgeshire Core Strategy 2009**

- CS1 Spatial Strategy
- H8 Alterations or replacement of dwellings in the countryside
- S6 Transport impact
- S7 Parking provision
- EN1 Landscape and settlement character
- EN2 Design
- EN6 Biodiversity and geology

7.2 **Regional Spatial Strategy – East of England Plan**

- SS1 Achieving Sustainable Development
- ENV7 Quality in the Built Environment

7.3 **National Planning Policy**

- PPS1 Delivering Sustainable Development

8.0 **PLANNING COMMENTS**

8.1 The application site is located outside the development envelope on land designated as countryside. In such locations, development is strictly controlled and restricted, although policy H8 of the Core Strategy does allow for the replacement of existing dwellings, provided that all of the following criteria are met:

- There would be a positive impact on the character and appearance of the locality; and
- As a guide, the size of the dwelling would not generally increase by more than 25% of the floor area of the original dwelling; and
- The height of the original dwelling would not increase significantly; and
- The residential use of the dwelling has not been abandoned.

8.2 The applicant has put forward an argument in support of the proposal, based on the extensions that could be added to the existing dwelling without the benefit of planning permission, under Permitted Development. This Permitted Development 'fallback' position is a material consideration, and must be weighed against the policy set out above.

Policy Position in Relation to Replacement Dwellings in the Countryside

8.3 The planning system in England is 'plan-led', in that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. The most relevant policy of the development plan in this case is policy H8, which deals with replacement dwellings in the countryside.

8.4 This policy seeks to control the scale of replacement dwellings in the countryside in order to achieve two important aims:

- To prevent adverse effects on the character of the property and the wider surroundings; and
- To ensure that small and comparatively cheaper housing in the countryside is retained, ensuring a mixed housing stock, so that those on lower incomes have access to housing in the rural community.

- 8.5 In order to achieve this, the policy specifically limits replacement dwellings to an overall floor area no greater than 125% of the original dwelling. The wording of the policy allows for some degree of flexibility, but proposals significantly in excess of this figure would not be acceptable, as they would fail to comply with the core aims of the policy.
- 8.6 The applicant has argued that the Council's policy is incompatible with the amended Permitted Development rights for dwellings, which allow for substantial additions to properties without the need for planning permission. The examination in public of the Core Strategy, including this policy, took place after the introduction of the amended Permitted Development Rights, and at that time, the Inspector found it to be sound. Permitted Development rights therefore cannot be seen to preclude the use of such a policy for the legitimate control of development in the countryside.
- 8.7 The replacement dwelling proposed in this application would result in an increase in floor area of 151.7%, over six times greater than the guideline amount given in Core Strategy Policy. Notwithstanding the fallback argument, which will be dealt with separately, there is no justification why the Council should allow a replacement dwelling so far in excess of the policy guidelines.
- 8.8 New houses can sometimes be acceptable in the countryside, under policy H5 of the Core Strategy, where it has been demonstrated that they are required in connection with an agricultural or other rural enterprise. In these cases, the particular functional requirements of the business sometimes necessitate a larger floor area. For example, where part of the business functions are carried out within the dwelling, or where space is required to house live-in family members to assist with certain seasonal peaks in work. No such argument has been used in support of this proposal, and the resulting replacement dwelling would not be tied with any occupancy condition.
- 8.9 The applicant has argued that the replacement dwelling would be built to a very high standard of design and would be a significant improvement on the current property. The property as it stands is modest in scale and simple in form and has a neutral, rather than an adverse, impact on the character of the area. In contrast, the scale of the replacement dwelling creates a sprawling design, with elevations exceeding 16 metres in length. The significant increase in floor area therefore cannot be justified on the basis that it allows for the best design solution. In fact, it is the large size that compromises what could have been a well-proportioned and attractive property.
- 8.10 The applicant has also argued that as the current property has four bedrooms it is not affordable and is therefore not worthy of protection by the replacement dwelling policy. This is not the case, as there is a need to retain a mix of sizes of dwellings within the countryside. Affordability operates on a sliding scale, and whilst the current property

would be more expensive than a one or two-bedroom cottage, it would still be more affordable than the significantly larger property proposed in its place.

Permitted Development as a Fallback

- 8.11 Fallback is a material consideration in the decision making process and the fallback option submitted by the applicant is attached at Appendix 1. However, it must be remembered that, as with all material considerations, the weight to be given to them will be different in each case, and the Council is entitled to attribute little or no weight depending on the circumstances.
- 8.12 The first factor to consider when deciding what weight to give this argument, is whether the impact of what would be built using Permitted Development would be similar or worse than what is proposed. The building created by the fallback option would consist of a series of incoherent elevations with no clear primary elevation, and oversized flat roof dormers. Therefore, whilst the design of the replacement dwelling is not exceptional, the impact of the fallback option would be considerably worse.
- 8.13 The second, and most important factor to consider, is whether it is likely that the fallback option would actually be implemented. This can be assessed by looking at whether that proposal creates practical additional floor space in appropriate positions to the existing floor plan of the dwelling and whether the proposal could be sensibly integrated into the design of the building.
- 8.14 Looking at the drawings submitted by the applicant, it is difficult to see how the extension could be incorporated to provide a practical internal layout. Having consulted with the Council's Building Control Officers, it is understood that the proposal would involve removing large sections of external load-bearing walls. This could cause significant structural problems, particularly given the proposed loft conversion. Whilst such a project could theoretically be possible, it is unlikely to be cost efficient and could well be cost prohibitive, making it unlikely that the applicant would implement such a scheme.
- 8.15 Looking at the external appearance of the fallback option, it cannot be argued that the extensions could be integrated sensibly with the design of the original dwelling. The resulting building would have a bizarre and incongruous appearance, and it is difficult to be convinced that someone would wish to build such a scheme, particularly given the significant cost that is likely to be involved in overcoming the structural issues.
- 8.16 The fallback option put forward by the applicant is one entirely driven by a desire to demonstrate the largest increase in floor space that is theoretically possible, in an attempt to justify a replacement dwelling significantly in excess of Council policy. The proposal pays little regard to the external appearance, or how any such additions could be assimilated into the design of the existing dwelling, and for these reasons, it is highly unlikely that such a scheme would actually be implemented.

Conclusion

- 8.17 Permitted Development as a fallback can be a material consideration in planning decisions. However, the fact that an applicant is entitled to make such an argument does not mean that the Council is compelled to agree with it in every case. To do so

would negate a sound policy of the Core Strategy, which serves an important dual purpose of protecting the character of the countryside and preserving a varied housing stock to meet the needs of local people.

8.18 In order for a fallback argument to be successful, the Council must be convinced that if permission were refused, the applicant would actually implement their fall back option. In this case, is it considered that the possible extensions shown, would create a contrived and ill-constructed building. Moreover, the resulting layout would raise significant structural issues, the cost of which could prove prohibitive to the scheme. As such, it is considered highly unlikely that such a scheme would be implemented.

8.19 The primary consideration in this case therefore returns to whether or not the proposal complies with the Core Strategy policy for replacement dwellings. The proposal is significant in excess of the 25% increase allowed by this policy, with no mitigating circumstances to justify such a large dwelling, and as such it is recommended for refusal.

9.0 RECOMMENDATION: Refuse, for the following reasons...

The application site is located in the countryside, where there is a strict control over new development. In such locations, policy H8 of the Core Strategy allows for the replacement of existing dwellings, provided that certain criteria are met. The proposed would create an increase in floor area of over 150%, over six times greater than the guideline amount given in Core Strategy Policy. The scale and form of the dwelling would also result in a sprawling design with elevations of over 16 metres in length. The proposal would therefore be contrary to policies EN1 and EN2 of the East Cambridgeshire Core Strategy 2009 and contrary to policy H8, which seeks to control the scale of replacement dwellings in the countryside, in order to protect the character and appearance of the area, ensure that a mixed housing stock is retained, and to avoid modest dwellings being regarded as unrestricted building plots for new dwellings. The proposal would also be contrary the guidance contained within Planning Policy Statement 7: Sustainable Development in Rural Areas.

APPENDICES

- Appendix 1 – Permitted Development fall back plans

<u>Background Documents</u>	<u>Location(s)</u>	<u>Contact Officer(s)</u>
Application 10/00982/FUL	Penelope Mills Room No. 011 The Grange Ely	Penelope Mills Planning Officer 01353 665555 penny.mills@eastcambs.gov.uk
East Cambridgeshire Core Strategy	www.eastcambs.gov.uk	