



PLANNING, DESIGN & ACCESS STATEMENT

Retention of existing rooflight to southeast roofslope of dwelling

AT

The Dairy, Grange Green, Tilty, Dunmow, Essex, CM6 2EQ

March 2022

RJS PLANNING

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1.0 INTRODUCTION

- 1.1 This statement has been prepared by RJS Planning, on behalf of Mr Chris Christou, in support of a planning application for the 'Retention of existing rooflight to southeast roofslope of dwelling' at The Dairy, Grange Green, in Tilty, Dunmow, Essex.
- 1.2 This statement will consider the planning issues raised by the proposal in the context of national and local planning policy and guidance.

2.0 THE APPLICATION SITE

- 2.1 The application property is located in a courtyard setting, and accessed from a private shared driveway from the northern side of Grange Road, which is the rural lane that runs through the parish. Tilty primarily consists of the subdivisions of the historical Grange Farm site and is set within the agricultural hedged field character of North Essex.



Application Property

- 2.2 The Dairy is a single story converted building, made up of sections of the farm's original outbuildings which have external materials consisting of a red-faced brick plinth, with a mix of black weatherboarding and flint walls, under a red tiled and grey slate roof.



Application Property viewed from the Shared Driveway

- 2.3 The application property is set around a lawned courtyard and has an outbuilding to its northeast, together with a large garden to the north. The dwelling abuts the grounds of Grade II Listed Building 'Tilty Grange', an early 16th Century house that fronts Grange Road and is located to the southeast of the application plot. Grade II Listed Building 'Seven bay barn to the west of Tilty Grange', an early 16th Century timber framed and weatherboarded barn, is also located to the west of the application property.

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Application Site & Surrounding Area

2.4 The site is not within a Conservation Area; however, due to the age of the Dairy buildings and their close functional relationship with the listed Grange and Barn, the Dairy is considered to be a curtilage listed building by the Built Heritage Consultant from Place Services. The site is located outside development limits in the countryside.

3.0 RELEVANT PLANNING HISTORY

3.1 There have been a number of planning applications within the immediate vicinity of the application site, which mainly relate to the retention and conversion of the listed buildings to form 6 residential units.

3.2 In relation to the application property 'The Dairy' the following applications have been submitted:

- **Planning Application Reference UTT/20/2344/CLP**
Erection of front extension
Refused 9th November 2020
- **Planning Application Reference UTT/21/2852/HHF**
Erection of part front ground floor extension
Refused 15th November 2021 - Appeal lodged

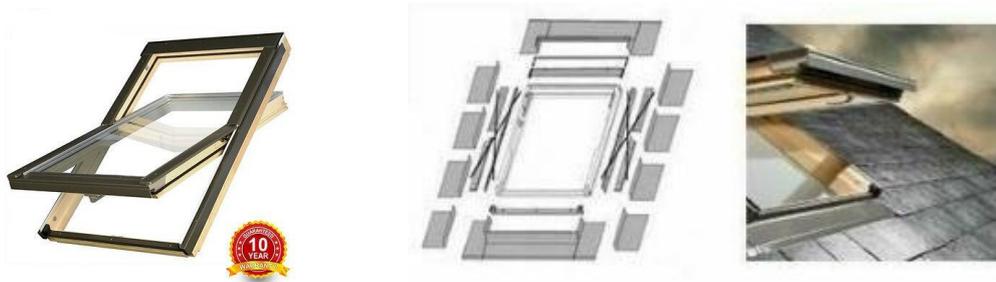
3.3 The decision in relation to the refusal of the certificate of lawfulness application noted that *"There are a number of Listed Building applications on the site, as the building is adjoined to a Listed Building it would appear to be Curtilage Listed in its own right"*. The applicant was not aware of the site's 'Listed Curtilage' status or that planning permission ought to have been gained prior to the installation of the rooflight to be retained.

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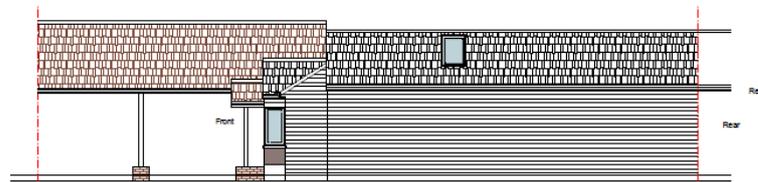
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4.0 THE PROPOSED DEVELOPMENT

- 4.1 The application seeks planning permission for the 'Retention of existing rooflight to southeast roofslope of dwelling'.
- 4.2 The rooflight installed is an Optilight Roof Window that has an external frame width of 78cm x 118cm, with a centre pivot. The design is a low profile conservation area style rooflight, designed to be fitted within a slate roof with a 5mm deep flashing surround as detailed in the specification included in **Appendix A**.



- 4.3 The window unit is constructed from bonded impregnated pinewood, coated with an ecological acrylic finish. The wood is protected on the outer surface with weather and UV resistant dark grey aluminium (RAL7022) profiles. The rooflight is a double glazed unit with toughened glass exterior and the overall U coefficient of the pane is 1.1 [W/m.K], the window unit is guaranteed for 10 years.



Southeast Elevation

- 4.4 The rooflight to be retained is positioned approximately 0.2m down from the ridgeline, 0.65m up from the eaves and set in 3.5m from the southwest gable end.



Rooflight to be Retained

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5.0 RELEVANT PLANNING POLICY

5.1 The following paragraphs provide a brief summary of the relevant planning policies and the guidance provided within the National Planning Policy Framework. The paragraphs are in a hierarchical order relative to national and local planning policy.

5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of the current application, the following national and local planning policies are relevant to this case.

National Planning Policy Framework – February 2021 (NPPF)

5.3 The NPPF (July 2021) sets out the Government’s planning policies for England and how these are expected to be applied, this document replaces the National Planning Policy Framework published in February 2019. The following sections and paragraphs make reference to the parts of the NPPF which are directly relevant to this application.

Achieving sustainable development

5.4 The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. These address social progress, economic well-being and environmental protection. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): economic, social and environmental.

Decision-making

5.5 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Achieving well-designed places

5.6 Section 12 of the NPPF describes how the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, stating that *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*.

5.7 Paragraph 130 states that planning policies and decisions should ensure that developments:

- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

5.8 Whilst Paragraph 134 highlights that development that is not well designed should be refused, it also states that conversely, significant weight should be given to:

- a) *development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) *outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*

Proposals affecting heritage assets

5.9 Paragraph 197 states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Considering potential impacts

- 5.10 Paragraph 201 states *“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss”*.
- 5.11 Paragraph 202 explains that *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”*.
- 5.12 Paragraph 203 adds that *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”*.
- 5.13 Paragraph 206 states *“Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably”*.
- 5.14 Paragraph 207 adding that *“Site should be treated either as substantial harm under paragraph 200 or less than substantial harm under paragraph 201, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole”*.
- 5.15 Finally, paragraph 208 states that *“Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies”*.

Uttlesford Local Plan (Adopted January 2005)

- 5.16 The local plan was adopted in 2005. It provides the basis for all planning decisions within the district. It contains policies relating to the location of development and protection of environmental features. The following policies are relevant to this case.

Policy S7: The Countryside

- 5.17 The countryside to which this policy applies is defined as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. In the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area.

- 5.18 There will be strict control on new building. 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.

Policy GEN2 - Design

- 5.19 Development will not be permitted unless its design meets all the following criteria and has regard to adopted Supplementary Design Guidance and Supplementary Planning Documents.

- a) It is compatible with the scale, form, layout, appearance and materials of surrounding buildings;*
- b) It safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate;*
- c) It provides an environment, which meets the reasonable needs of all potential users.*
- d) It helps to reduce the potential for crime;*
- e) It helps to minimise water and energy consumption;*
- f) It has regard to guidance on layout and design adopted as supplementary planning guidance to the development plan.*
- g) It helps to reduce waste production and encourages recycling and reuse.*
- h) It minimises the environmental impact on neighbouring properties by appropriate mitigating measures.*
- i) It would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.*

Policy ENV2: Development affecting Listed Buildings

- 5.20 Development affecting a listed building should be in keeping with its scale, character and surroundings. Demolition of a listed building, or development proposals that adversely affect the setting, and alterations that impair the special characteristics of a listed building will not be permitted. In cases where planning permission might not normally be granted for the conversion of listed buildings to alternative uses, favourable consideration may be accorded to schemes which incorporate works that represent the most practical way of preserving the building and its architectural and historic characteristics and its setting.

Policy H8: Home Extensions

- 5.21 Extensions will be permitted if all the following criteria apply:

- a) Their scale, design and external materials respect those of the original building;*
- b) There would be no material overlooking or overshadowing of nearby properties;*
- c) Development would not have an overbearing effect on neighbouring properties.*

6.0 THE PLANNING CASE

Introduction

6.1 This section will demonstrate that the retention of the rooflight is an appropriate form of development in this location and has no negative impact upon the character of the host property or its setting.

Background to the case

6.2 The applicant has installed the rooflight to serve a shower room and at the time believed that the property had permitted development rights and was totally unaware that permission was required as the property itself is not listed.

6.3 However, following the applications to extend the property with a front extension, the applicant has sought clarification upon the lawfulness of the rooflight, having previously received advice from Uttlesford Building Control that the proposed works would be permitted development.

6.4 The development described as the 'Conversion of existing bathroom to bedroom and formation of new bathroom including installation of roof light' under reference UBR/20/0015/DOMBN was validated on 9th January 2020 and a Building Regulations Completion Certificate was issued on the 23rd December 2021 (see **Appendix B**).

6.5 As the applicant has since been advised by Planning Officer Colin Mwapaura in an email dated 19th January 2022 that *"I have confirmation that your building itself is not listed, however it lies within the curtilage of a listed building. This means that the rooflight will require planning permission and not listed building consent"*, this application is being submitted to regularise the development and therefore retain the rooflight.

Principle of the development

6.6 The application site is located within a rural setting, where the proposed addition of an appropriately scaled and designed rooflight ought to be deemed acceptable in principle, providing that it complies with the guidance stated in national and local planning policy, with care taken to respect the setting of the host property. As the building is adjoined to a Listed Building it has previously been classed by Planning Officers to be Curtilage Listed in its own right.

Design and impact on character, street scene and heritage asset

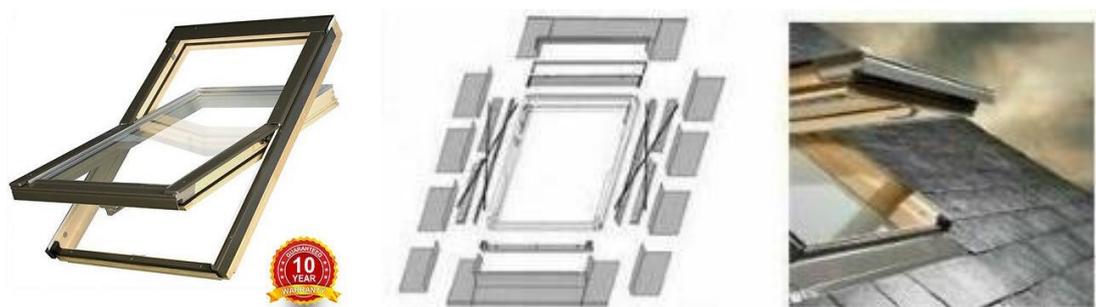
6.7 The rooflight to be retained ought to be considered to meet the requirements of Uttlesford Local Plan (2005) Policy GEN2 which states that development should be compatible with the scale, form, layout, appearance and materials of surrounding buildings whilst also safeguarding important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate.

- 6.8 Policy S7 also identifies that there will be strict control on new building in the countryside, where 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.
- 6.9 As pictured below, the rooflight installed has been chosen to be sympathetic to the host property and the slate roofslope upon which it has been installed.



Rooflight to be Retained on the Southeast Roofslope of The Dairy

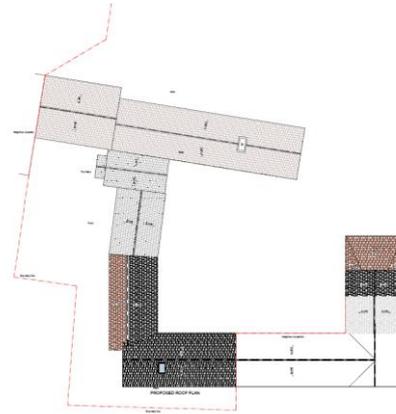
- 6.10 The Optilight rooflight is constructed with a wooden frame made from especially sorted, highest quality pinewood which is bonded in layers, impregnated, and coated with an ecological acrylic finish. The wood is protected on the outer surface with weather and UV resistant aluminium profiles, in dark grey (RAL7022), to harmonise with the slate finish of the roof. The installation has been completed using matching flashing, recommended for flat roofing materials up to 5mm thick such as slate and shingles.



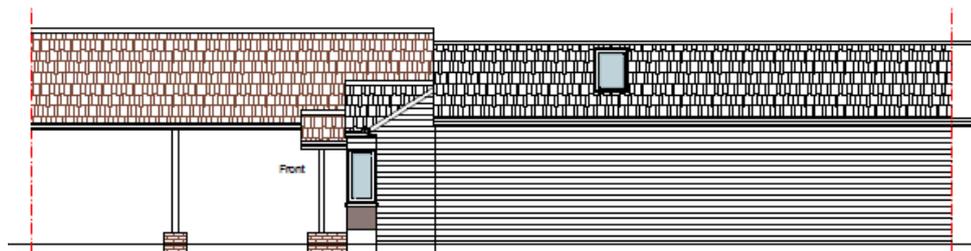
The Specification for the Rooflight is contained in Appendix A

- 6.11 The window has a narrow frame to maximise the effective glazing area, that is double glazed, with a single chambered construction and the U coefficient of 1.1 [W/m.K]. The space between panes is filled with inert gas and the internal pane is coated with a heat reflecting low-emission layer, with external glass toughened; the rooflight is therefore designed to reduce heat loss during winter and overheating during summer.

6.12 The rooflight to be retained measures 78cm x 118cm, with a centre pivot design, and is positioned approximately 0.2m down from the ridgeline, 0.65m up from the eaves and is set in 3.5m from the southwest gable end. The rooflight is proportionate to the roofslope of the property, and could not be considered an overly obtrusive addition to the house.



Application Property – Roof Plan



Southeast Elevation

6.13 As works have been carried out to a high standard and the rooflight installed is low profile to ensure that it does not significantly protrude above the slate cladding of the roofslope; this limits the visual impact of the rooflight when viewed from vantage points such as the driveway and curtilage of Tilty Grange.



Rooflight viewed from the Shared Driveway

6.14 As the host property has been created by the conversion of the farm outbuildings, it has a unique plan form and design, being made up of buildings of varying size and design, which are set in an irregular formation and are finished in a variety of materials. The roof design of the property also varies, as does the finish which includes a mix of red concrete roof tiles and natural slates. The lack of uniformity in design therefore provides a context where a feature such as the rooflight can be added, without this breaking up a uniform structure or appearing out of keeping with the setting.

- 6.15 The proposal therefore achieves the aims of Policy ENV2 which states that development affecting a listed building should be in keeping with its scale, character and surroundings. The rooflight has a complementary design, which assimilates well with the roofslope and represents the most practical way of providing daylight and ventilation within the shower room, whilst preserving the building and its architectural and historic characteristics and its setting.



Rooflight viewed from the Highway

- 6.16 As pictured above, although the rooflight is visible from the highway, at a distance of over 50m, it is unobtrusive and does not stand out as an alien feature within the setting.



Location of Proposed Extension & Rear Elevation of 'Tilty Grange' Listed Building

- 6.17 The above image shows the relationship between the 'The Dairy' and the Grade II Listed Building 'Tilty Grange' which has its rear outbuildings and garden adjacent to the application property; however, the rear elevation of 'Tilty Grange' is set at a distance of 24m from 'The Dairy', and the rooflight therefore has a negligible impact on the views from this dwelling and its garden, and as such, could not be considered to result in substantial or even less than substantial harm to this listed property or its curtilage as heritage assets.

- 6.18 The rooflight is not visible from Listed Building 'Seven Bay Barn to West of Tilty Grange' to the west of the application property. Although the proposed extension will be seen as part of this group of buildings, the position, together with the modest scale and design of the rooflight, ensures that it causes no harm to its surroundings or how 'The Dairy' and 'Seven Bay Barn to West of Tilty Grange' relate to each other.



Application Property & 'Seven Bay barn to West of Tilty Grange' Listed Building

- 6.19 In this case, due to the limited visual impact of the rooflight upon its setting, it ought to be considered to preserve the setting of the Grade II Listed Buildings, causing no harm to the character of the locality or the significance of 'The Dairy' which has been described as "*curtilage listed*". As the installation of the rooflight does not result in 'less than substantial harm', there is no need to weigh the development against the public benefits, as detailed in paragraph 196 of the NPPF.

Impact on amenity of neighbours

- 6.20 The rooflight, as installed, does not result in any material detrimental overlooking, and therefore does not adversely impact on neighbour's amenity due to its location and the separation distance to any neighbours, and therefore complies with Policy GEN2 and the aims of paragraph 130 of the NPPF (2021). Nevertheless, if thought necessary for approval, the applicant is willing to add frosting or obscure glazing to the rooflight, and it could also be fixed shut as a condition of approval, if the Planning Officers believe any harm is caused to neighbouring amenities.

Neighbouring development

- 6.21 The applicant would like to highlight that there are rooflights upon the northern roofslope of the neighbouring property 'The Great Barn', which as pictured, are visible from the highway. Furthermore, solar panels have also been granted on the roof of an outbuilding within the curtilage of Grade II Listed Building 'The Thatched Cottage' to the opposite side of Grange Road, under app. ref. UTT/14/0299/HHF (**Appendix C**).



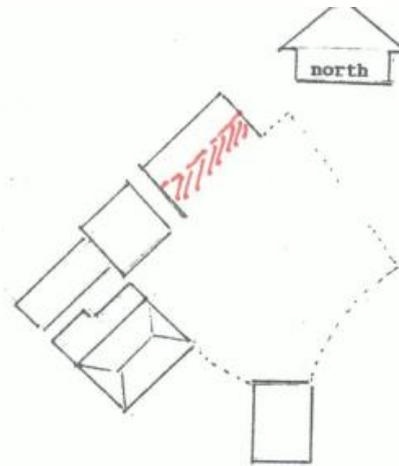
Rooflights upon The Great Barn

7.0 CONCLUSION

7.1 For the reasons given within this statement, it is strongly asserted that the retention of the rooflight ought to be considered acceptable in planning terms, with its position, scale, design and finishing materials having been chosen to ensure that the addition to the southeast roofslope of 'The Dairy' does not appear as inappropriate addition to the host property and its setting.

7.2 The conservation area style rooflight, which is low-profile and finished in dark grey aluminium harmonises with the slate clad roofslope and could not be considered to be out of character upon the roof of the host dwelling or as part of the group of properties, with the rooflights upon 'The Great Barn' being visible from the highway, but not harmful to the character of the neighbouring listed buildings or the rural location.

7.3 Also, it is noted that the Conservation Officer, in granting permission for solar panels within the curtilage of 'The Thatched Cottage' which is Grade II Listed, raised no objections, with the Delegated Report stating that "The proposals therefore would not have a detrimental impact to the historic fabric, character or appearance of the listed building", in accordance with Policy GEN2 (see **Appendix C**).



Position of Solar Panels at The Thatched Cottage

7.4 This statement has also demonstrated that the development will cause no harm to the significance of the curtilage Grade II listed Dairy, and will preserve the setting of the Grade II listed Grange, with the subtle change to the dwellinghouse having caused no detrimental impact on the setting of the nearest listed buildings. The development therefore has not result in any harm to the significance of the heritage asset in accordance with national and local planning policy.

7.5 Mindful that the National Planning Policy Framework (2021) states that decision-makers at every level should seek to approve applications for sustainable development where possible and that applications should be considered in the context of the presumption in favour of sustainable development, for the above reasons, it is politely requested that this application is granted planning permission at the earliest opportunity with the addition of any conditions deemed appropriate to the circumstances of this case.