

# **SUPPORTING STATEMENT**

**DEMOLITION OF EXISTING  
BUNGALOW AND ERECTION OF  
TWO DETACHED DWELLINGS  
WITH GARAGES**

**AT**

**CHRISTYS  
ALBURY END  
WARE  
SG11 2HS**

**DECEMBER 2023**



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## **1.0 INTRODUCTION**

- 1.1 Sworders have been instructed by the owner of 'Christys', Mr. C Strachan, to apply for full planning permission to demolish the existing bungalow and outbuildings, and redevelop the site to provide two detached two storey dwellings.
- 1.2 The planning history is of material importance to the consideration of this application, in particular, the latest approval pursuant to application reference, 3/23/1063/FOFPN. This established under Schedule 2, Part 20, Class AD of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) that the Applicant can develop a substantial 4-bedroom first floor flat above the principal part of the existing dwelling, in effect creating two 4-bedroom residential units.

## **2.0 SITE AND SURROUNDINGS**

- 2.1 The application site accommodates a large and sprawling detached bungalow, originally constructed in the 1950s pursuant to planning permission 3/58/1812/FP, and subject to later substantial extensions granted in the 1970s.
- 2.2 The bungalow is located on the east side of Albury End, and lies within extensive grounds, with the locality and context of the surroundings very much informed by large, detached listed buildings, set within generous landscaped plots.
- 2.3 The site is accessed via two existing and established vehicular accesses onto the lane that serves Albury End.

## **3.0 PROPOSAL**

- 3.1 The proposal is to demolish the existing bungalow and outbuildings, and replace it with two well-proportioned two storey detached dwellings of traditional double gabled design. The dwellings would be set back further from the street, and would sit on comfortable sized plots within landscaped grounds.



- 3.2 The larger of the two dwellings (Plot 1) will occupy the northern section of the site in a position similar to that of the existing bungalow, although set back further from the street. A double garage is proposed along its northern flank. The southern part of the site will accommodate the second, smaller dwelling, again with a double garage (Plot 2).
- 3.3 With an extensive frontage of some 90 metres and extending to 0.84 hectares, the site is substantial, and so can comfortably accommodate both dwellings, whilst ensuring the proposed built form respects the spacious, low-density form of residential development that characterises and informs the locality.
- 3.4 Vehicular access will be via the two existing established accesses that serve the existing property, with generous space available to provide the required levels of off-street parking and safe access to and from the double garages incorporated into the design of both dwellings.

#### **4.0 PLANNING HISTORY**

- 4.1 As touched upon in the preceding paragraphs, the property has been subject to an extensive planning history, which is of material importance to the consideration of this application.
- 4.2 The original bungalow was constructed in the late 1950's/early 1960's pursuant to planning permission, LPA Ref: 3/58/1812. Subsequent to this the bungalow was substantially extended in the 1970's and evolved into a large sprawling bungalow occupying a substantial footprint.
- 4.3 More recently on 3<sup>rd</sup> October of 2022, a planning appeal was allowed against East Herts District Council's decision to refuse Prior Approval application, LPA Ref: 3/21/1927/ASDPN. This appeal decision established the ability under Class AA of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) to construct an additional storey (create a first floor) to the existing bungalow, increasing the height of the existing bungalow from 5.34 metres to 8.0 metres.
- 4.4 Subsequently, planning permission was granted, pursuant to application LPA Ref: 3/22/2427/HH for the demolition of the existing garage and conservatory, and construction of first floor accommodation, replacement garage extension, single storey side extension to replace the conservatory, and two storey rear extension and front porch.



4.5 However, of most relevance to the application at hand, is the Prior Approval granted by East Herts Council on 19<sup>th</sup> July 2023, pursuant to application LPA Ref: 3/23/1063/FOFPN. This established that under Part 20, Class AD of the GPDO, a first-floor extension can be added above the principal part of the dwelling, to accommodate a first floor 4-bed flat, with the ground floor forming a separate ground floor 4-bed flat. Consequently, it has been established and accepted by East Herts Council that the bungalow can be redeveloped to provide two 4-bedroom residential units.

## 5.0 PLANNING POLICY

5.1 The Development Plan comprises the East Herts District Plan 2018, with the following policies being most relevant for the determination of this application:

- GBR2 – Rural Area Beyond the Green Belt
- VILL3 – Group 3 Villages
- DES3 - Landscaping
- DES4 – Design of Development
- TRA1 – Sustainable Transport
- TRA2 – Safe and Suitable Highway Access Arrangements and Mitigation
- TRA3 – Vehicle Parking Provision
- NE3 – Species and Habitats
- HA1 – Listed Buildings
- HA3 – Archaeology
- CC1 – Climate Change Adaptation
- CC2 – Climate Change Mitigation
- WAT4 – Efficient Use of Water Resources
- WAT5 – Sustainable Drainage

5.2 The following adopted Supplementary Planning Documents (SPDs) also form part of the Development Plan and are relevant in this case:

- Sustainability SPD, 2021
- Vehicle Parking Standards SPD, 2007, and Updated Vehicle Parking Standards



- 5.3 There is no neighbourhood plan relevant to this application.
- 5.4 Regard must also be had to the National Planning Policy Framework (NPPF), updated September 2023. Paragraph 47 is particularly pertinent when it reiterates that: *“Planning Law requires that applications for planning permission be determined in accordance with the development plan, **unless material considerations indicate otherwise**”* (my emphasis).
- 5.5 NPPF Paragraph 11 is also relevant as it sets out a presumption in favour of sustainable development, which applies in the absence of a 5 year housing land supply. This means that permission should be granted for sustainable development unless the adverse effects significantly and demonstrably outweigh the benefits. Sustainable development comprises three dimensions: economic, social and environmental, which are mutually dependent.
- 5.6 Section 12 of the NPPF relates to achieving well-designed places, and includes a strong emphasis on high quality, beautiful and sustainable buildings and places. Paragraph 130 sets out a number of criteria for new developments, including buildings being visually attractive, sympathetic to local character and history, and establishing a strong sense of place. Section 16 is also relevant as it relates to conserving and enhancing the historic environment.

## **6.0 PRINCIPLE OF DEVELOPMENT**

- 6.1 The site lies within the Rural Area Beyond the Green Belt, wherein Policy GBR2 applies. The policy seeks to safeguard the rural area, and in doing so identifies types of development that are deemed appropriate within these areas. The proposal at hand seeks to demolish the existing dwelling and develop two individual dwellings in its place, creating an additional market dwelling. Policy GBR2 is not supportive of new market dwellings within the rural area, and so in this respect the proposal does not accord with the adopted Development Plan.
- 6.2 However, in accordance with planning law, and as stipulated within Paragraph 47 of the NPPF, in such circumstances it needs to be assessed whether material considerations exist that warrant a departure from the plan. In this case, there are clear and overriding circumstances, which weigh firmly in favour of departing from the plan and granting planning permission for the proposed development.



- 6.3 First, regard must be had to the Council's lack of a 5 year housing land supply. In accordance with Paragraph 11 of the NPPF, a presumption in favour of sustainable development therefore applies, and permission should be granted unless any adverse effects significantly and demonstrably outweigh the benefits.
- 6.4 Whilst it is accepted that Albury End is a Group 3 Village with limited amenities and limited opportunities for sustainable forms of transport, the proposal will nonetheless support social sustainability through the provision of a new family dwelling and contributing towards the Council's housing deficit. The scheme will also provide economic benefits through the construction process, as well as longer term benefits associated with economically active residents and the service industry. Further, as detailed later in this report, the scheme proposes a number of environmental benefits. Sustainability therefore goes beyond the concept of reliance on private vehicles.
- 6.5 The proposal will also make good use of a brownfield site, through infilling between existing residential properties, and therefore contribute towards Government's aim to "promote effective use of land in meeting the need for homes" (NPPF, Paragraph 119).
- 6.6 A further, significant, material consideration is the extant Class AD Prior Approval, which should outweigh any perceived harm resulting from the conflict with Policy GBR2 and sustainability considerations. The approval establishes that by virtue of permitted development rights, the Applicant can develop the existing property in such a way as to create two 4-bedroom residential units within the site. Further, by doing so and creating a first floor above the principal part of the existing dwelling, the result is a rather bland, bulky, and unbroken principal elevation that will have far greater impact visually in the street scene when compared to the proposal at hand.
- 6.7 A 3D visualisation of the consented Prior Approval scheme is provided overleaf.



- 6.8 The visual impact of the Prior Approval scheme would be exacerbated by the resultant dwelling's significant width and position closer to the public highway. In comparison, the proposed dwellings will individually be significantly narrower in width, whilst not exceeding the height of the resultant dwelling under the Class AD approval. An outline comparison is included on drawing 2410 302 and demonstrates that even cumulatively, the proposed dwellings will be no greater in width or height than the consented Prior Approval scheme.
- 6.9 Both dwellings will also be set back further from the road frontage and separated with generous spacing and soft landscaping, with additional street planting. This will soften their presence visually within the street scene, and ensure that the development is more in keeping with the scale, form, and character of existing residential properties in the surrounding area.
- 6.10 Whilst the Applicant would much rather develop the site in the more sensitive manner now proposed, it is a material consideration that the existing bungalow will be developed in accordance with the Class AD approval if necessary, and therefore constitutes a realistic fall-back position. Case law is clear in these circumstances and has established that when such a realistic fall-back position exists, it must be taken into account as a material consideration by the Local Authority when assessing subsequent related proposals.





## 7.0 DESIGN AND LAYOUT

- 7.1 In accordance with both the NPPF and Policy DES4, the development of the site with two detached well-proportioned dwellings, will represent an enhancement to the character of the site and surroundings when compared with the rather incongruous bungalow, and in particular the development that will result from the implementation of the extant Class AD approval.
- 7.2 Both new dwellings will sit comfortably within the site with generous spacing sufficient to enable the adoption of sensitive soft landscaping. Consequently, the proposed dwellings will appear far more at ease with the established form of development that characterises Albury End, when compared with the bland and bulky form of development that will result from the implementation of the Class AD approval.
- 7.3 Both dwellings have been designed to a very high standard, and will provide excellent levels of amenity and energy efficiency measures, which is addressed in more detail within the accompanying Design and Access Statement.
- 7.4 Both dwellings will also benefit from generous levels of outdoor amenity space, despite the subdivision of the property, due to the size of the existing plot. No change of use of land will therefore be required to form residential amenity space, with all amenity areas currently comprising the garden to the existing bungalow.
- 7.5 The scheme proposes to make use of high quality materials of construction to respect the character and vernacular of the surrounding area. Plot 1 is proposed with a yellow stock plinth and render upper, with a slate tiled roof and grey aluminium windows. Whilst Plot 2 is proposed to be formed of a red stock brick with render and a plain tiled roof, and white casement windows. Attention has even been given to rainwater goods, proposing to make use of galvanised steel rather than uPVC. External chimney stacks are also proposed.
- 7.6 Both properties will also benefit from adequate parking provision, including discreet under cover parking provided by double garages with both dwellings. Space is provided to the front of both dwellings for additional parking and turning space to ensure that vehicles exit in forward gear.



7.7 Careful consideration has also been given during the design process to ensure that current levels of amenity afforded to neighbouring properties are safeguarded. Both dwellings are set well away from the boundaries of neighbouring properties and with screening afforded by existing mature landscaping, there will be no significant impacts in terms of overlooking, loss of privacy, sunlight/daylight, outlook or similar. First floor flank windows will serve bathrooms only, and are proposed to be obscure glazed.

## **8.0 ACCESS AND HIGHWAYS**

8.1 It is proposed to make use of the existing two vehicular accesses that serve the bungalow to provide individual accesses to each dwelling. The accesses benefit from good visibility, and the number of vehicle movements would be expected to be commensurate when assessed against the fall-back development established by the aforementioned Class AD approval.

8.2 Parking for 4 no. vehicles is provided to serve each dwelling in accordance with adopted standards, along with adequate space for turning and exiting in forward gear. Provision is also made for EV charging for each dwelling.

## **9.0 HERITAGE ASSETS**

9.1 The site is not located within a Conservation Area; however, there are a number of designated Heritage Assets present within the locality of the site. All neighbouring buildings to the site are Grade II listed, including Watts to the south, Horseman's and Toddlers Hall to the north, and Kennel Farmhouse and outbuildings on the other side of the road to the northwest. Further north lies the Grade II listed Piggotts Farm and barns.

9.2 The application site does not lie within the setting of any of these listed buildings, and will not impact upon the direct setting or significance of any of these assets, or how these assets are experienced. The proposal in fact provides an opportunity to enhance the setting of these listed buildings through the high quality design proposed. The existing bungalow is somewhat of an anomaly in the locality, whilst the consented Class AD scheme would be even more incongruous. These benefits should weigh firmly in favour of the scheme.



9.3 The site is located within an Area of Archaeological Significance. If deemed reasonable and necessary, a programme of archaeological work can be secured through an appropriately worded condition.

## **10.0 LANDSCAPING AND ECOLOGY**

10.1 It is not anticipated that any trees will need to be removed or impacted by the proposed development, and there are no protected species or habitats on site. Existing trees are not protected. The proposed development will take place entirely within the confines of the domestic garden area, in close proximity to the siting of the existing bungalow. It is not therefore considered that the proposal will have any ecological impact.

10.2 Extensive tree and hedge planting is proposed as part of the scheme, along with spring bulb planting in order to enhance the biodiversity of the site and provide a net gain. The new hedge will sit between the two plots, extending to some 90 metres, and is proposed to comprise mixed native species. Proposed tree planting includes a number of new street trees, and a green buffer to soften the street scene. Scattered wildlife friendly trees are also proposed between the two plots.

## **11.0 OTHER MATTERS**

11.1 Regard has been had to sustainability in design and construction including the provision of renewable technologies. Air source heat pumps are proposed, and will be designed to ensure no harm to neighbouring amenity, particularly given the distance retained to neighbouring properties. Solar PV panels are also proposed on both dwellings, but concealed within a hidden roof valley to minimise impact on the street scene.

11.2 The existing house performs poorly in terms of thermal performance, and therefore redevelopment of the site with 2 new energy efficient dwellings will provide a considerable environmental benefit.

11.3 The site lies in flood zone 1, and not in an area of surface water flood risk. The proposal will therefore have no impact in terms of flood risk to people or property.



11.4 A Phase 1 Contaminated Land Assessment has been undertaken and is submitted as part of this application. It concludes that the site is largely uncontaminated, and subject to removal of an ash heap, and existing oil tank, will result in no harm to human receptors. It is recommended that this be secured by a watching brief rather than a full Phase II Site Investigation report and remediation.

## **12.0 CONCLUSIONS**

12.1 In summary, the tilted balance applies in the absence of a 5 year housing land supply, and therefore permission should be granted unless adverse impacts significantly and demonstrably outweigh the benefits. Although the site lies in a Group 3 Village, with limited amenities and services, the development will nonetheless provide social, economic, and environmental benefits. In the absence of any adverse impacts, permission should therefore be granted.

12.2 Regard must also be had to other material considerations. The extant Class AD approval establishes a genuine fallback position for the creation of two dwellings in this location, which constitutes a significant material consideration, justifying a departure from Policy GBR2 and weighs firmly in favour of granting planning permission.

12.3 The scheme proposes a considerable number of benefits, including high quality design and materials of construction, especially when compared to the scheme approved under Class AD (i.e., the fall back). The proposal will enable a significant enhancement to the visual amenities of the site, the setting of nearby heritage assets and the rural surroundings.

12.4 The scheme also proposes to make use of renewable technologies that would not be secured through the Prior Approval scheme. Extensive planting and biodiversity benefits are also proposed, including frontage planting, extensive new hedgerow, wildlife friendly trees, and spring bulbs. Bat and bird boxes can also be secured by condition.

12.5 No harm will arise to neighbour amenity, parking or the highway network, drainage or flooding, contamination, or impact on trees.

12.6 In the absence of any demonstrable harm, and giving due weight to the particular material considerations in this case, Officers are respectfully requested to grant permission subject to conditions as deemed reasonable and appropriate.