

# MRPP

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**PLANNING, DESIGN AND  
ACCESS  
&  
HERITAGE STATEMENT**

**SILVER BIRCHES, NOTTINGHAM  
ROAD SOUTH, HERONSGATE**

**JANUARY 2024**

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## **1. INTRODUCTION**

- 1.1 This Planning, Design and Access and Heritage Statement is submitted in support of an application for the demolition of the existing dwelling and erection of a replacement two storey dwelling at Silver Birches, Nottingham Road South, Heronsgate.
- 1.2 The application follows the recently issued Lawful Development Certificates (LDCs) for the construction of a single storey rear extension to the existing building (23/0968/CLPD) and a detached swimming pool outbuilding in the rear garden (23/1355/CLPD).
- 1.3 The site is located within the Heronsgate Conservation Area and proposes the demolition of the existing property. As such this Statement also includes a Heritage Statement which considers those elements which comprise the character and appearance of the Conservation Area and assesses the impact of the proposed development on the Conservation Area.
- 1.4 The site is also located within the Green Belt. The existing property was built in the late 1940's and is as such showing significant signs of structural wear and tear which are beyond the scope of repairs and updates relative to the associated costs. As such the proposal involves the demolition of the existing building and its replacement with a dwelling suitable for modern family living.
- 1.5 The following section provides a description of the site and surroundings followed by a review of the planning history. The proposed development is set out at section three, including the Design and Access Statement and an assessment of the proposal against planning policy is provided at section four. Section five provides the Heritage Statement with all matters drawn together in the conclusions at section six.

## 2. SITE AND PLANNING HISTORY

- 2.1 The site is located off Nottingham Road South within Heronsgate which is to the west of Rickmansworth and south of Chorleywood. It is located to the immediate west of the M25. The closest stations are Chorleywood (1.5 miles from the site) and Rickmansworth (2.8 miles).

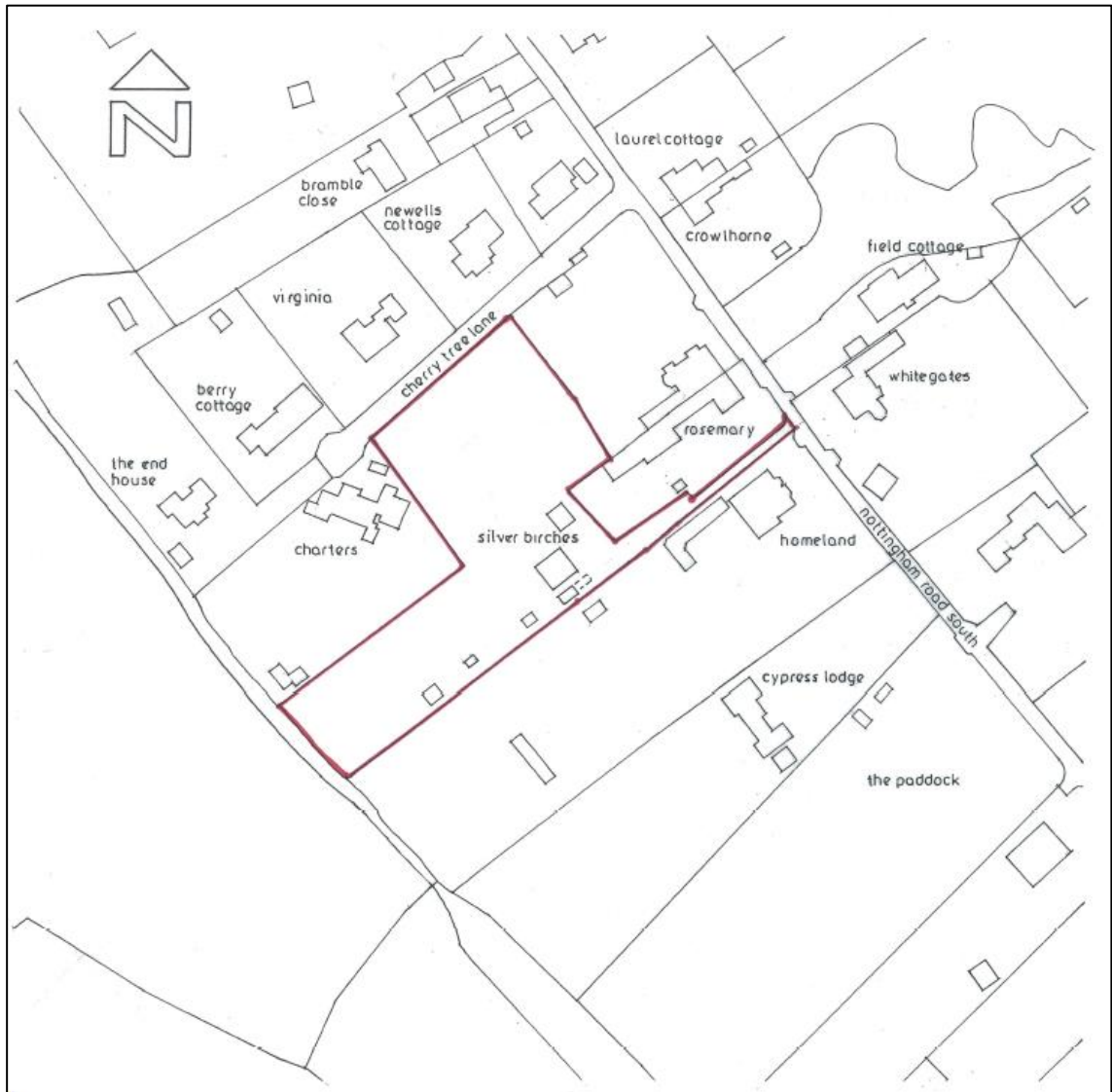


Figure 1 – Site Location Plan

- 2.2 The site is located within the Green Belt and the Heronsgate Conservation Area. The Conservation Area comprises the whole of Heronsgate but as it is a relatively small area, it is not divided into separate character areas.
- 2.3 The site is located off Nottingham Road South, set well back from the road down a long drive. There are two properties located either side of the drive, these are Homeland and Rosemary. Craven Cottage and Rosemary are semi-detached properties. The boundary of the site also abuts Cherry Tree Lane which provides the access for six properties: Westfield Lodge, Newells Cottage, Virginia, Berry Cottage, The End House and Charters.
- 2.4 The existing dwelling comprises a cottage style detached house with first floor accommodation, built in the late 1940's, with its entrance to the side. There are also four small outbuildings/sheds on the site including a garage.



- 2.5 The existing house is set within a large plot (1.4 acres) with a garden area which leads to a public right of way running along the southern boundary of Heronsgate and to the side of the property, which extends up to Cherry Tree Lane.



- 2.6 The site is bounded by hedges, with the exception of the boundary adjacent to Cherry Tree Lane which contains multiple large trees which are spaced along the boundary.
- 2.7 Many of the original properties in the Conservation Area have been altered and extended and plots sub-divided with larger, late-Victorian and Edwardian houses erected which are not associated with the original Chartist buildings, a number of which are built with facades comprising brickwork at ground level and painted render at first floor level.
- 2.8 Unlike the character and appearance of the original properties of Heronsgate, Silver Birches has a plain clay tiled roof, painted brickwork walls with concrete lintels and metal windows.

- 2.9 The property on the site has not been altered since it was first constructed. It is modest in size providing separate kitchen, living and dining rooms on the ground floor along with a study and small bedroom. At first floor level is the master bedroom along with a further living area. The cramped layout of the house, with its steep winding stair and low headroom at first floor level does not lend itself to modern-day family living.
- 2.10 There have been two recent LDCs permitted in relation to the construction of a single storey rear extension (application ref. 23/0968/CLPD) and the construction of a detached swimming pool building (application ref. 23/1355/CLPD).
- 2.11 The rear extension relates to the full width of the existing property (9m) and extends it to the rear by 4m. The footprint of the extension is 36m<sup>2</sup>.



Figure 2 - LDC Rear Extension – Approved North West Elevation

- 2.12 The outbuilding relates to a pool building measuring 10m wide, 13m long and 4m high (with a dual pitch roof). The footprint of the outbuilding is 130m<sup>2</sup>.



Figure 3 - LDC Outbuilding – Approved Side and Front Elevation

2.13 Both of these elements can be constructed relying on Permitted Development Rights, as demonstrated by the LDCs issued by the Council. They can therefore be constructed at any time without the need to obtain planning permission. The footprint of the existing building with the existing garage and outbuildings is indicated in Figure 4 below along with the rear extension and pool outbuilding secured by the recent LDCs.

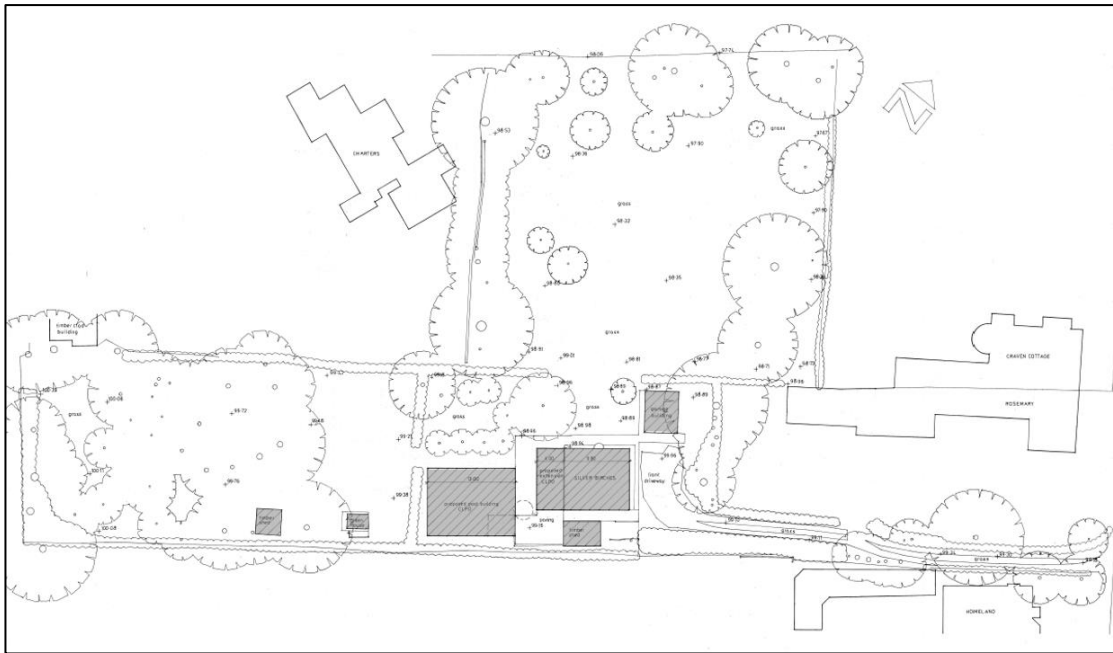


Figure 4 - Site Plan

2.14 The below section indicates the street elevation from Cherry Tree Lane looking towards the site indicating the existing garage and house, LDC rear extension, LDC pool outbuilding and existing shed.

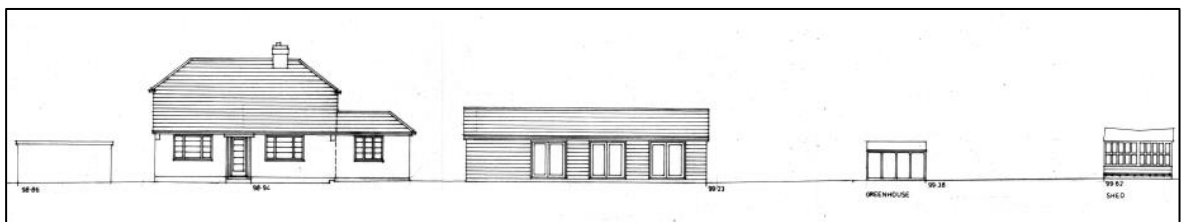


Figure 5 – Cherry Tree Lane Street Elevation



### 3. DESIGN AND ACCESS STATEMENT

3.1 The development comprises the demolition of the existing property and its replacement with a two storey dwelling. The replacement property provides a layout designed for modern family living with a kitchen dining room on the ground floor, along with a lounge, study and family room all accessed from a main hall with four bedrooms on the first floor, two of which are ensuite.

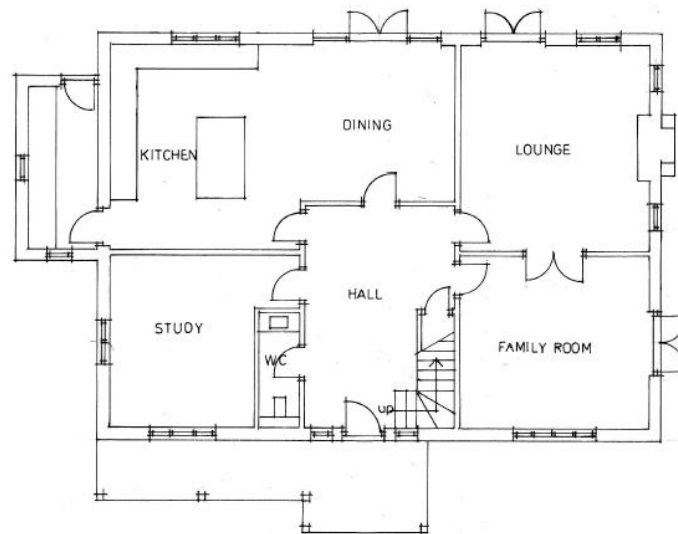


Figure 6 - Proposed Ground Floor Plan

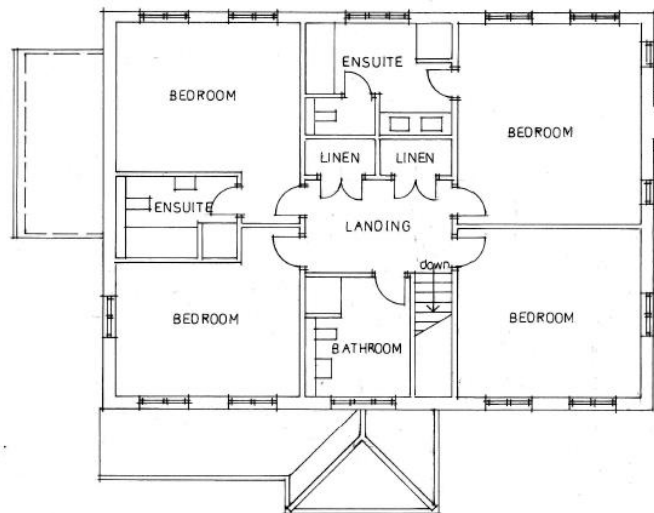


Figure 7 - Proposed First Floor Plan

Design Principles and Concepts

- 3.2 It is proposed to replace the existing house and outbuildings with a detached house that will provide for modern-day family living. The house will be located in the same position as the existing house but with a front facade facing towards the gravelled driveway leading to Nottingham Road South.
- 3.3 The proposal also incorporates the demolition of the existing garage and outbuildings on the site and consolidates the existing built form into the proposed replacement dwelling. This is indicated on the existing and proposed context plans at Figures 8 and 9 below.
- 3.4 The proposal thus, although providing a slightly larger footprint than the existing property, does in demolishing the existing outbuildings and garage, ensure that the development is located only in one portion of the site without being spread across the wider plot.
- 3.5 The scheme has been designed therefore to maintain the existing arrangement on site as far as possible thus having the least impact on the existing vegetation and planting. The replacement property is therefore located in the same position as the existing house.
- 3.6 The footprint of the proposed replacement property has also been designed so that it remains comparable and in most cases, much smaller than the footprints of the surrounding properties, as can be seen at Figure 9.
- 3.7 The proposed design takes into account the importance of maintaining and preserving elements that positively contribute to, and reveal, the significance of local historic assets, but also allows for the opportunity of change to maintain the character and local distinctiveness of the Heronsgate Conservation Area.

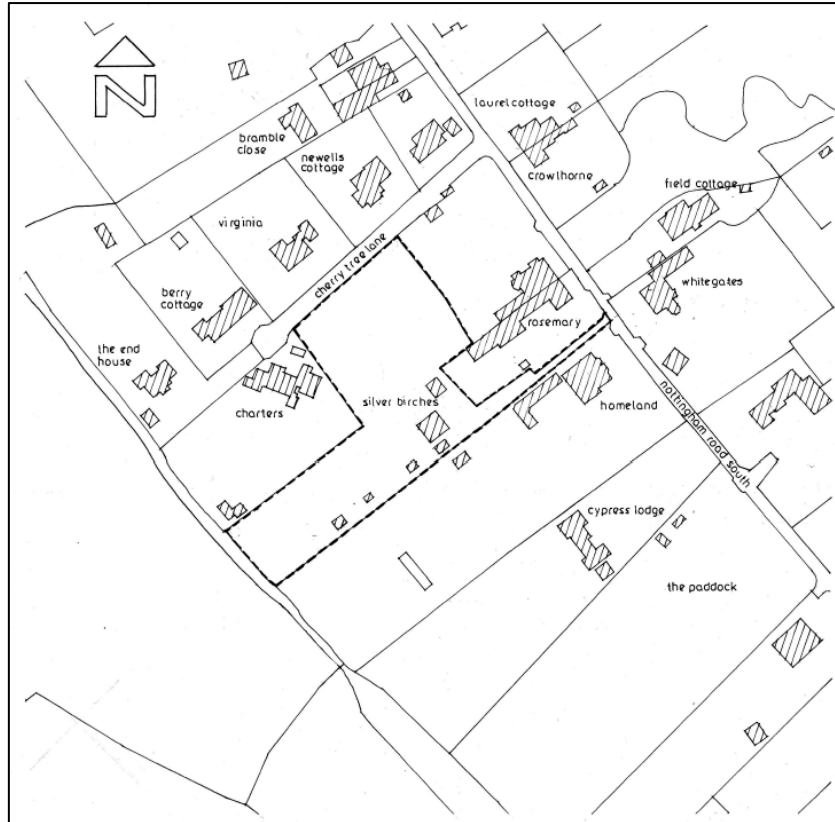


Figure 8 - Existing Context Plan

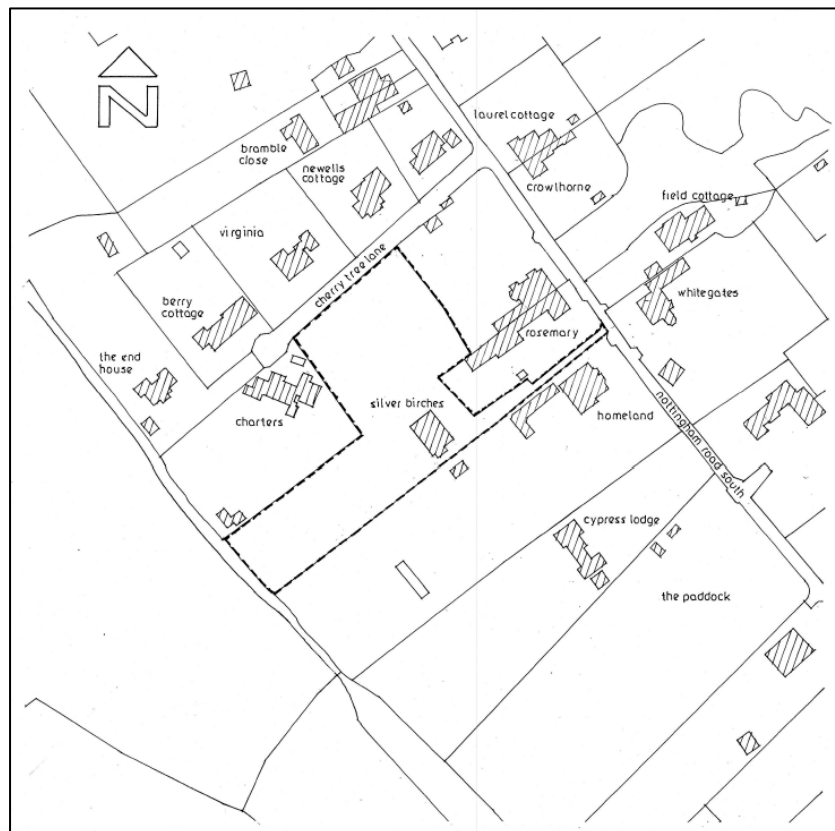


Figure 9 - Proposed Context Plan

3.8 The proposed house will be built to reflect the historic character of the Heronsgate Conservation Area with a slate tiled roof, painted render walling and chimney stack, painted timber casement windows and doors, stone sills and a timber posted-canopy to the front entrance.

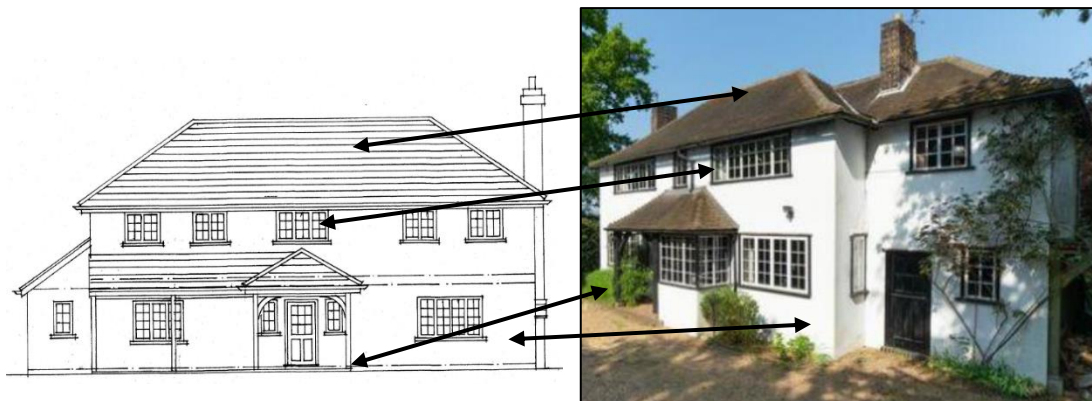


Figure 10 - Proposed Elevations

3.9 The proposed replacement dwelling has been designed to reflect elements of existing properties in the surrounding area. For instance, the covered porch at the front of the property is similar to that at Stanmore Lodge on Nottingham Road South.



3.10 Much of the design inspiration has also been taken from the properties along Cherry Tree Lane which are more modest in nature compared to others within Heronsgate. This is considered to be the most appropriate approach for this less prominent site in comparison to some of the grander properties that front Nottingham Road South. The below comparison with the End House, Cherry Tree Lane indicates the similar window proportions and positions included within the proposed dwelling along with the material finishes.



3.11 The proposal also takes design queues from Oak Hill on Long Lane including window frame and sill detailing.



3.12 During the design development of the replacement house, the proposed features of the property have been adjusted so that they better reflect those of the adjacent properties on Cherry Tree Lane and provide a design which is also

reflective of the position of the site which is set back from Nottingham Road South and thus does not directly front onto the main road.

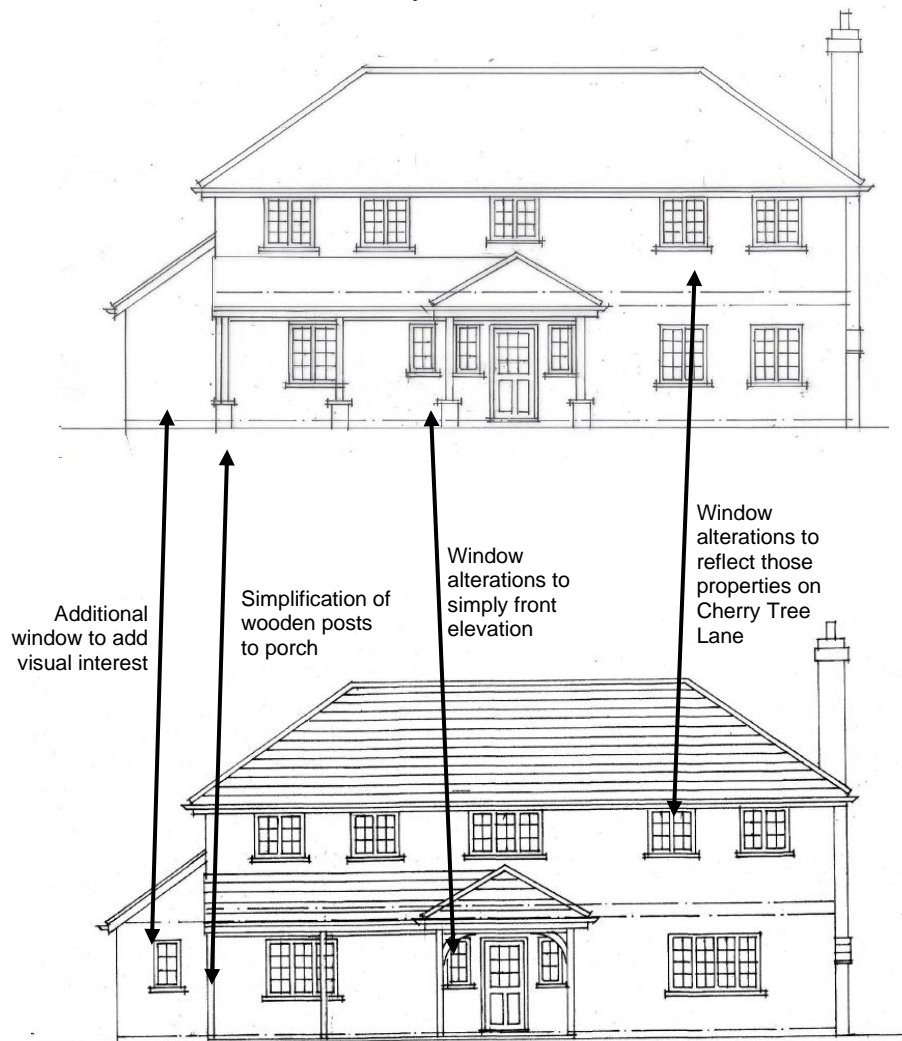


Figure 11 – Comparison between Initial Front Elevation Sketch and Proposed Elevation

### Landscape

3.13 The scheme has been designed to minimise any impacts on the existing site, no trees are proposed for removal in order to facilitate the proposed development. The proposal will retain the existing situation of a property set within a large plot. The soft landscaping thus remains as per the existing situation. Although the site lies within the Conservation Area a number of trees

on the site are also protected by a Tree Preservation Order, as indicated on the plan below, and are retained.



Figure 12 – TPO Plan

Hard landscaping features include a gravel driveway with Yorkstone paving terrace areas, paths and front porch. Following removal of the outbuildings and concrete bases, these areas will be laid with peat-free topsoil.



Figure 13 - Indicative Landscape Proposal

Sustainability

- 3.14 The house will be constructed in accordance with the Building Regulations with insulated ground floors, walls and roof and low-emissivity double glazed windows and doors.
- 3.15 It is also proposed utilises an air source heat pump and photovoltaic panels on the roof allowing the proposal to easily exceed the Policy requirement to produce at least 5% less carbon dioxide emissions than Building Regulations Part L. The development achieves an uplift of 65% over Part L.

Access

- 3.16 The site is accessed from Nottingham Road South. The closest bus stops to the site are less than a ten minute walk and are located along Long Lane providing services to Chorleywood, Rickmansworth and Watford.
- 3.17 Chorleywood station is located 1.5 miles from the site and provides Chiltern Railway and Metropolitan Line services into London. The site is thus accessible by both car and public transport.



## **4. PLANNING POLICY APPRAISAL**

- 4.1 The Development Plan comprises the Core Strategy (2011), Site Allocations Local Development Document (2014) and the Development Management Policies Local Development Document (2013).
- 4.2 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be made in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) sets out national policy and is a material consideration in the determination of all planning applications. The new NPPF was published on 20<sup>th</sup> December 2023.
- 4.3 The Council are currently preparing a new Local Plan and have recently (until 10<sup>th</sup> December 2023) consulted on their Regulation 18 Local Plan called 'Three Rivers' Preferred Local Plan Lower Housing Growth Option Protecting More Green Belt Land'. In accordance with Paragraph 48 of the NPPF, due to the stage of preparation of the emerging Local Plan, limited, if any, weight can be given to policies within the emerging Local Plan.

### Principle of Demolition

- 4.4 As is set out in Section 5, the existing property is not identified as one which positively contributes to the character and appearance of the Conservation Area. The proposal relates to the demolition of the existing property and the erection of a replacement property. Policy DM3 states that demolition will only be granted in certain circumstances. Either the structure to be demolished makes no material contribution to the character of the area, it can be demonstrated that the structure is wholly beyond repair, or it can be demonstrated that the replacement building would lead to an enhancement of the Conservation Area. As is demonstrated in Section 5, the existing property is not one identified which makes a material contribution to the character of the

Conservation Area. The Structural Report submitted with the application confirms the poor condition of the existing building which due to the defects identified and the costs involved would make the property unviable to refurbish. Section 5 also identifies how the replacement dwelling will enhance the Conservation Area. The principle of demolition the existing property and replacing it is therefore acceptable and accords with Policy DM3.

#### Principle of Development

- 4.5 Policy CP11 of the Core Strategy (2011) states there will be a general presumption against inappropriate development that would not preserve the openness of the Green Belt, except in Very Special Circumstances. Policy DM2 of the Development Management Policies Local Development Document (2013) acknowledges that, as set out in the NPPF, the construction of new buildings in the Green Belt is inappropriate with certain 'exceptions', referring to the criteria for some of these in relation to new buildings; extensions to buildings; replacement dwellings; ancillary buildings; extensions to residential curtilages; and re-use and conversion of buildings in the Green Belt. Paragraph 154 of the NPPF (2023) sets out the full list of 'exceptions' where new buildings do not constitute inappropriate development in the Green Belt, including:

*“g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

- not have a greater impact on the openness of the Green Belt than the existing development; or*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”*

4.6 The NPPF (2023) defines previously developed land as:

*“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.”*

4.7 The proposed development would be situated over the footprint of the existing dwelling and thus the land is previously developed. Therefore, in accordance with Paragraph 154, the partial redevelopment of previously developed land does not constitute inappropriate development in principle. Accordingly, the primary consideration is whether or not the proposal would have a greater impact on the openness of the Green Belt than the existing development.

#### Impact on Openness of the Green Belt

4.8 There are a number of factors relevant to the assessment of whether or not a proposal would have a greater impact on the openness of the Green Belt. Visual impact is implicitly part of the concept of openness of the Green Belt. However, the openness of the Green Belt also has a spatial aspect and the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as the result of the location of a new building there.

4.9 The existing buildings on site (including outbuildings) have a footprint GEA of 174m<sup>2</sup>, floorspace GEA of 198m<sup>2</sup> and a volume of 580m<sup>3</sup>.

EXISTING	FOOTPRINT (m <sup>2</sup> )	FLOOR AREA (m <sup>2</sup> )	VOLUME (m <sup>3</sup> )
House	89	121	397
Garage	31	29	68
Timber Shed 1	21	19	43
Greenhouse	7	6	12
Timber Shed 2	12	10	29
Timber Shed 3	14	13	31
<b>Total</b>	<b>174</b>	<b>198</b>	<b>580</b>

Table 1

4.10 However, as referred to in Section 2 above, the Council confirmed, through two LDCs for the construction of a single storey rear extension to the existing dwelling (Ref. 23/0968/CLPD) and a detached swimming pool building in the garden (Ref. 23/1355/CLPD), that these buildings could be built out under Permitted Development Rights, in addition to the existing buildings (see plan below). They thus represent a ‘fall-back position’ that is a material consideration in the determination of this application.

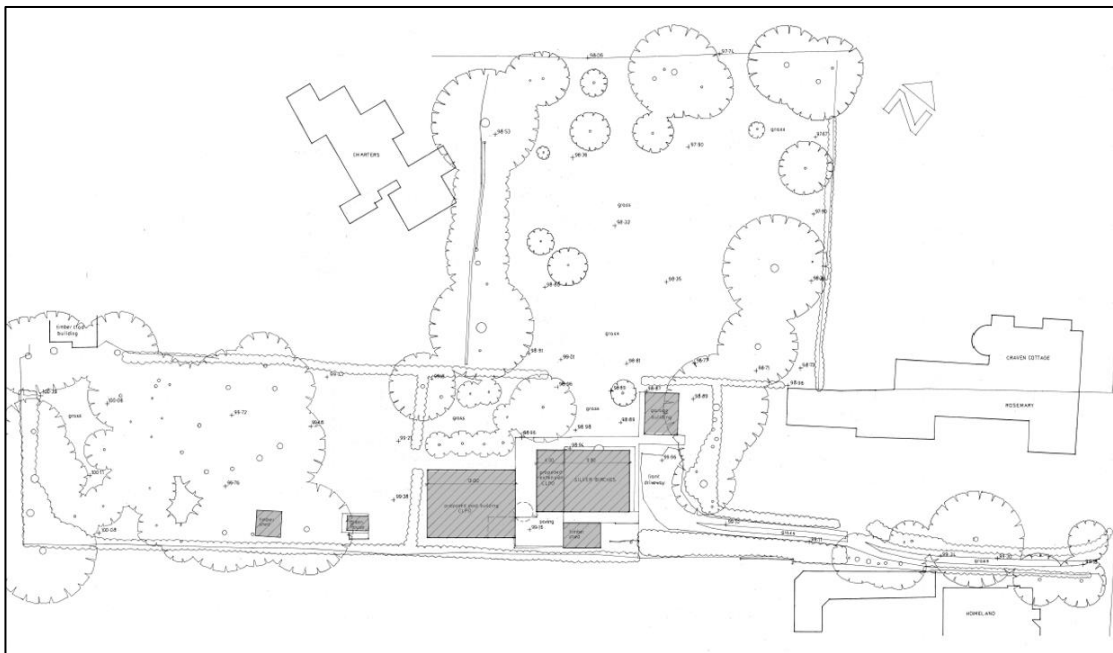


Figure 14 - Site Plan

4.11 The relevance of a ‘fall-back’ position, in relation to the determination of a planning application, was chiefly established in ‘Zurich’ [(2012) EWHC 3708 (Admin)], in which Hickinbottom, J, confirmed that:

*“The prospect of the fall-back position does not have to be probable or even a high chance of occurring; it has to be only more than a theoretical prospect. Where the possibility of the fall-back position happening is very slight indeed or merely an outside chance, that is sufficient to make it a material consideration”.*

4.12 As set out in the table below, for the existing buildings and buildings that could be built under Permitted Development Rights the footprint GEA would be 328m<sup>2</sup>, the floorspace GEA would be 337m<sup>2</sup> and the volume would be 1,095m<sup>3</sup>. This is significantly greater than the proposed single house with a footprint GEA of 151m<sup>2</sup>, a floorspace GEA of 261m<sup>2</sup> and a volume of 988m<sup>3</sup>.

EXISTING + PD	FOOTPRINT (m <sup>2</sup> )	FLOOR AREA (m <sup>2</sup> )	VOLUME (m <sup>3</sup> )
House	89	121	397
LDC Rear Extension	36	32	121
Garage	31	29	68
Timber Shed 1	21	19	43
Greenhouse	7	6	12
Timber Shed 3	14	13	31
LDC Swimming Pool	130	117	423
Total	328	337	1,095
PROPOSED			
House	151	261	988

Table 2

4.13 Furthermore, this permitted development ‘fall back’ position would result in a greater splay of buildings across the site, in comparison to the proposed single dwelling scheme, as illustrated in the site wide elevations below running from north-east to south-west across the site, which is the elevation facing Cherry Tree Lane and which is the only public view into the site.

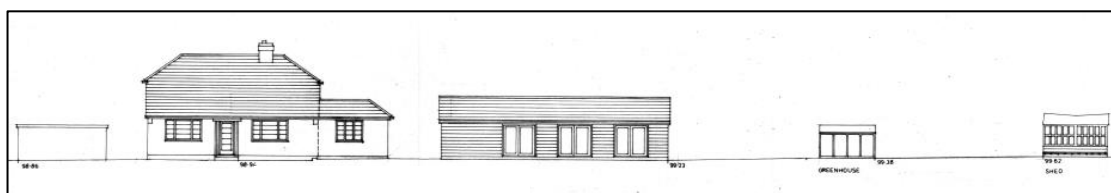


Figure 15 - Existing Cherry Tree Lane Street Elevation with PD

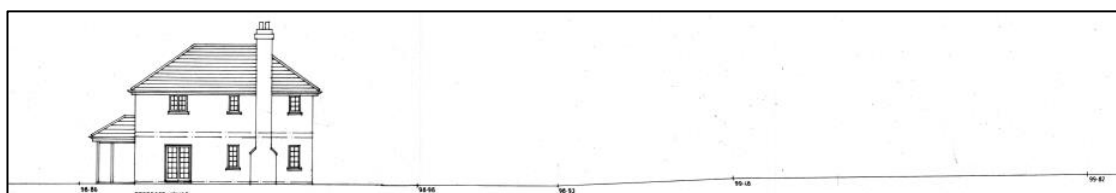


Figure 16 – Proposed Cherry Tree Lane Street Elevation

- 4.14 From a visual perspective the 'fall back' position would change the discrete nature of the site from one being defined by a dwelling sitting independently within the site and being surrounded by garden and open spacing, to one defined more heavily by a proliferation of built structures.
- 4.15 Meanwhile, the proposed scheme would result in the removal of existing outbuildings on site and the construction of one dwelling which sits on the existing footprint of the existing dwelling. This dwelling would still sit independently within the site, with open spacing around it in a garden setting, thus enhancing the openness of the Green Belt in comparison to the 'fall back' position. Furthermore, all boundary vegetation and trees would be retained, screening the site from longer range views.
- 4.16 In summary, the proposed development is 'appropriate' development in the Green Belt, in accordance with Paragraph 154(g) of the NPPF (2023) as this partial redevelopment of previously developed land would not have a greater impact on the openness of the Green Belt than the existing development, including the 'fall back' position.
- 4.17 Notwithstanding the above, if the decision maker was to take a different view on this matter and conclude that the proposed development would not comply with Paragraph 154(g), there are Very Special Circumstances, in accordance with Paragraph 152 and Core Strategy Policy CP11, that exist in this case. Significant weight should be given to the fact that a more harmful situation could occur without planning permission through Permitted Development Rights with the 'fall back' position. This would be significantly more harmful than the proposed development in both spatial and visual terms.

#### Design and Amenity

- 4.18 As outlined in Section 3 the proposed replacement dwelling has been designed to reflect the style of those existing properties on Cherry Tree Lane,

acknowledging its location set some way back from the grander properties along Nottingham Road South but which is adjacent to the small cul-de-sac of development on Cherry Tree Lane.

- 4.19 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respects local distinctiveness. Policies CP3 and CP12 of the Core Strategy set out that development should make efficient use of land but should also *“have regard to the local context and conserve or enhance the character, amenities and quality of an area”*.
- 4.20 The scheme is modest in nature and uses traditional materials with a slate tiled roof, painted render walling and chimney stack, painted timber casement windows and doors, stone sills and a timber posted-canopy to the front entrance. The proposal has thus been specifically designed to have regard to the local context and conserves and enhances the quality of the area in accordance with Policy CP1.
- 4.21 Policy DM10 of the Development Management Policies document sets out that adequate provision for the storage and recycling of waste should be incorporated into proposals. Waste and recycling bins can be safely stored at the front within the gravel driveway.
- 4.22 Policy CP12 of the Core Strategy states that development should *“protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space”*. Policy DM1 and Appendix 2 of the Development Management Policies set out that residential development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.
- 4.23 The proposal has been designed so that it respects the residential amenity of existing neighbours and also future occupiers. The closest property, Rosemary,

is over 20m away from the proposed dwelling, which is no closer than the existing. Given the location of the site, the associated separation distances from neighbouring dwellings and the vegetation along the boundaries of the site, the proposed replacement dwelling would not appear overbearing, result in a loss of light or result in overlooking.

- 4.24 In terms of the amenity of future residents of the replacement dwelling, Appendix 2 of the Development Management Policies DPD sets out the required amenity space for new houses confirming that for a four bedroom dwelling 105sqm of amenity space is required. As the replacement dwelling is set within a large plot, this exceeds the prescribed level of amenity space required.
- 4.25 There are therefore no amenity concerns arising from the proposed development and the scheme thus accords with Policy CP12, protecting residential amenities and providing adequate amenity and garden space.

#### Access and Parking

- 4.26 Core Strategy Policy CP10 requires development to demonstrate that it will provide a safe and adequate means of access. The proposal utilises the existing access to the site along the long driveway from Nottingham Road South. This therefore will continue to provide a safe and adequate means of access.
- 4.27 Parking arrangements have been designed to meet the relevant parking standards in compliance with Policy DM13. For residential development, these standards advise that a four or more bedroom dwelling should have three parking spaces. Sufficient space for three cars is provided within the gravel driveway.



### Trees

- 4.28 Policy DM6 of the Development Management Policies Document states that development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value and that development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 4.29 The application is supported by an Arboricultural Impact Assessment which confirms that no trees or hedges will be required to be removed in order to facilitate the proposed development. It also provides the necessary tree protection measures to be put in place during construction to ensure that the site's retained trees remain undamaged.
- 4.30 None of the TPO trees as indicated on the plan at Figure 12 will be affected by the proposal. The proposal thus, in accordance with Policy DM6, retains all trees and hedgerows on the site.

### Ecology

- 4.31 Policy DM6 of the Development Management Policies states that development should result in no net loss of biodiversity value across the District as a whole.
- 4.32 The application is supported by a Preliminary Ecological Appraisal (PEA). This was undertaken following a site visit in April 2023 and thus was not carried out at a time when the exact proposal was designed. Notwithstanding this the findings of the PEA remain valid in assessing the current proposal.
- 4.33 An external and internal inspection of the building found no evidence of roosting bats. The garden sheds and garage building were considered to be of negligible

suitability for roosting bats. The tightly mown amenity grassland on most of the site was sparse and considered largely unsuitable for reptiles.

- 4.34 The PEA confirms that the protected wildlife likely to make use of the area are nesting birds and possible hazel dormice within the hedgerow habitats on-site, as well as foraging bats within the surrounding open grassland, woodland, scattered trees and hedgerows. None of the hedgerows on the site will be affected by the proposed development.
- 4.35 Two mature trees at the rear of the site within the woodland area were considered to contain features that could potentially support roosting bats, again however, these trees are to be retained and will not therefore be affected by the proposed development.
- 4.36 No evidence of badgers were found on the site. The PEA sets out measures to be put in place during the construction works in order to minimise any potential impacts on any species. It also recommends bird and bat boxes be incorporated to provide for ecological enhancement. The proposal therefore accords with Policy DM6.

### Energy

- 4.37 Policy CP1 of the Core Strategy requires all applications for new residential development of one unit or more to submit an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions. Policy DM4 of the Development Management Policies document states that from 2013, applicants will be required to demonstrate that the development will produce 5% less carbon dioxide emissions than Building Regulations Part L 2013.

4.38 The scheme is supported by an Energy Statement which demonstrates the sustainability measures to be incorporated into the proposed development. The proposal utilises an air source heat pump and photovoltaic panels on the roof. As it is being constructed to meet 2021 Building Regulations it is able to far exceed the 5% requirement stipulated by Policy CP1, achieving an uplift of 65% over Part L 2021. The proposal thus exceeds the Council's policy requirements and provides a sustainable development proposal for the Site.

## 5. HERITAGE STATEMENT

- 5.1 The site is located within the Heronsgate Conservation Area. Before reviewing relevant policy, it is acknowledged that, pursuant to the Planning (Listed Buildings and Conservation Areas) Act 1990, local planning authorities have a statutory responsibility to pay special attention to preserving or enhancing the character or appearance of Conservation Areas within their jurisdiction. This is a separate statutory duty which local planning authorities must adhere to in addition to policy requirements.
- 5.2 Policy DM3 requires development within Conservation Areas to preserve or enhance the character and appearance of the area, use appropriate materials, retain historically significant boundaries and protects trees, hedgerows and other significant landscape features.
- 5.3 Part (d) of the Policy relates to demolition within Conservation Areas, noting that permission for demolition will only be granted if it can be demonstrated that:
- i. The structure to be demolished makes no material contribution to the special character or appearance of the area; or,*
  - ii. It can be demonstrated that the structure is wholly beyond repair or incapable of beneficial use; or*
  - iii. It can be demonstrated that the removal of the structure and its subsequent replacement with a new building and/or open space would lead to the enhancement of the Conservation Area.*

### Character and Appearance

- 5.4 The site is located within the Heronsgate Conservation Area. Heronsgate was formed by the Chartist, Fergus O'Conner, following the sale of the Heronsgate Farm in 1846. O'Conner set up the Chartist Co-Operative Land Society which

aimed to provide families with their own plot of land and to live a life of self-sufficiency. Unfortunately, there were a number of issues which led to the downfall of the estate and which saw the redevelopment of Heronsgate as an attractive area in which to live and commute from. During this time most of the original buildings were therefore altered, many of the plots were sub-divided and new dwellings were erected. This growth was largely unplanned and mainly took place in the first half of the twentieth century.

- 5.5 The Conservation Area comprises the whole of Heronsgate but as it is a relatively small area, it is not divided into separate character areas. Other than the addition of the cul-de-sac known as Cherry Tree Road, the layout of the roads within Heronsgate however remain as set out by Fergus O'Connor in 1846.
- 5.6 Silver Birches is only mentioned once in the Conservation Area Appraisal, being described as being "*set well back down a drive*". It is not identified as a building which makes a positive contribution to the Conservation Area. Rosemary and Craven Cottage to the front of the site are both identified as locally important buildings. The existing building is therefore considered to make at best, a neutral contribution to the character and appearance of the Conservation Area.
- 5.7 The character and appearance of the Conservation Area is described in the Conservation Area Appraisal as deriving from the original O'Connor's estates with the original chartist houses fronting directly onto the roads and with tall hedgerows running along them.

#### Proposed Replacement Dwelling

- 5.8 Paragraph 5.8 of the Conservation Area Appraisal sets out the requirements for new development within the Conservation Area to ensure that new development is "*guided by sound principles of historic conservation and urban design, as well as sympathetic detailing in relation to its historic context*":

- *Preserve and reinforce the distinctive pattern of historical development including road patterns, open spaces, plot sizes and boundaries and boundary treatments*
- *Maintain key views and vistas within, into and out of the Conservation Area*
- *Reinforce the distinctive architectural character of the Conservation Area through an informed understanding of distinctive building forms and types, features and materials. The superficial echoing of historic features in new buildings should be avoided*
- *Reinforce the scale and massing of surrounding buildings. It is essential that new development is not out of scale with existing building typical of the Conservation Area by way of its height, floor levels, size of windows and doors and overall massing*
- *Reinforce existing building lines and orientation of existing development*

5.9 The proposed replacement dwelling has been designed to take into account the above considerations, it proposes no alterations to the existing plot or its boundaries and proposes a dwelling in the same orientation as the existing. As can be seen in Figures 8 and 9 the scale of the proposed development is not out of scale with the surrounding properties in terms of footprint, remaining amongst one of the smallest. The proposed height of the development is also comparable to those other properties along Cherry Tree Lane and remains lower than Homeland, the property to its south east.

5.10 Rather than seek to emulate those grander properties on Nottingham Road and Halifax Road the replacement dwelling has been designed to reflect the more modestly designed properties on Cherry Tree Lane. It thus incorporates a slate tiled roof with painted render walls and timber casement windows. The replacement property has thus been designed to reinforce the character of this

part of the Conservation Area utilising features and materials common to those properties on Cherry Tree Lane.



Proposed Replacement Dwelling



Virginia, Cherry Tree Lane



Newells Cottage, Cherry Tree Lane

- 5.11 With this in mind, it has been demonstrated that, in accordance with Policy DM3 (d) (iii), the removal of the existing property and its replacement with a new building would lead to the enhancement of the Conservation Area due to the architectural design of the proposed replacement property which is typical of those properties along Cherry Tree Lane whilst also reinforcing the existing building orientation through an articulated front elevation (with front door and porch).

#### Structural Condition of Existing Building

- 5.12 A Structural Survey has been undertaken by Marks Heeley and which identifies a number of defects with respect of the structural stability of the existing building. The Survey identified structural movement and damp penetration

through the external walls with no evidence of a damp-proof course, undersized timber members with extensive timber decay and bowing first floors.

- 5.13 There is extensive decay to external joinery, defective metal windows and soil stacks and the concrete canopy over the entrance door is in a dangerous condition.
- 5.14 The moss-laden roof tiling shows signs of delamination and weather erosion. The solid brick external walls, concrete ground floor and single-glazed metal windows provide little thermal insulation to the property.
- 5.15 There is thus evidence to confirm, in accordance with part (d) (ii) of Policy DM3, that the existing structure is beyond repair in terms of the costs involved in the remedial works in securing its structural stability.

#### Summary

- 5.16 The proposal comprises the demolition of the existing property, which provides a neutral contribution to the character and appearance of the Conservation Area, and its replacement with a two storey detached dwelling. The existing property is beyond repair and thus this proposal provides the opportunity to redevelop the site, provide a structurally sound property which is well designed and enhances the Conservation Area. The design rational for the proposal takes queues from the adjacent properties on Cherry Tree Lane and thus provides an enhanced design when compared to the existing cottage style dwelling and thus preserves and enhances the Conservation Area.



## **6. CONCLUSION**

- 6.1 This Planning, Design and Access and Heritage Statement is submitted in support of an application for the demolition of the existing dwelling and erection of a replacement two storey dwelling at Silver Birches, Nottingham Road South, Heronsgate. The site is located within the Green Belt and the Heronsgate Conservation Area.
- 6.2 The application follows the recently issued LDCs for the construction of a single storey rear extension to the existing building (23/0968/CLPD) and a detached swimming pool outbuilding in the rear garden (23/1355/CLPD).
- 6.3 The principle of demolition of the existing property is established in accordance with Policy DM3 as the existing property does not make a material contribution to the character and appearance of the Conservation Area. Notwithstanding this, a Structural Survey has also demonstrated the poor condition of the existing building which, due to the defects identified and the costs involved, would make the property unviable to refurbish. Furthermore, the replacement dwelling will enhance the Conservation Area through its high quality, sensitive design which reflects the architectural detail of the adjacent properties on Cherry Tree Lane. The proposal thus accords with Policy DM3.
- 6.4 In determining all applications, the NPPF forms a material consideration of significant weight. In terms of the principle of development, in accordance with Paragraph 153(g) of the NPPF, the proposed replacement dwelling represents 'appropriate' development in the Green Belt. The partial redevelopment of this previously developed land would not have a greater impact on the openness of the Green Belt than the existing development, including the 'fall back' position. The 'fall back' position comprising the rear extension and outbuilding Permitted Development Rights confirmed by the recent LDCs.

- 6.5 Notwithstanding this, even if a different view were taken on the application of Paragraph 153(g), there exists Very Special Circumstances. In this regard significant weight should be given to the fact that a more harmful situation could occur with the 'fall back' position than the proposed development.
- 6.6 The proposal has also been designed to comply with all other relevant policies. The proposal ensures that all existing trees and hedges on the site are retained and proposes an energy efficient replacement dwelling. The replacement dwelling is located in the same position as the existing dwelling and retains a large plot, there would not therefore be any adverse amenity impacts for either neighbouring or future residents. There would be no adverse impact on any protected species and measures have been identified to be put in place during construction to minimise any impacts on species. The proposal thus accords with all other relevant Development Plan policies and provides a property which reflects the historic character of the Conservation Area.
- 6.7 Planning permission should therefore be granted.