



## Planning Committee

<b>Application No</b>	:	22/02091/FUL Full Application
<b>Location</b>	:	Mushroom Cottage Parsonage Lane Little Baddow Chelmsford Essex CM3 4SU
<b>Proposal</b>	:	<b>Raising of the existing garage roof to create first floor habitable level for use ancillary to the existing dwelling with addition of 3 dormer windows. New first floor windows and alterations to ground floor fenestration.</b>
<b>Applicant</b>	:	Mr & Mrs Ian Cornell
<b>Agent</b>	:	GPO Designs Ltd
<b>Date Valid</b>	:	30th November 2022

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## **1. Executive summary**

- 1.1 The site lies in the Rural Area of Little Baddow within an area of sporadically positioned detached dwellings accessed from Parsonage Lane. The area is characterised by large and spacious plots edged in mature boundary treatments.
- 1.2 The proposed extension would add first floor accommodation over the entire footprint of the detached garage apart from a small rear projection. The extension would have a pitched roof with three large dormer windows. The maximum height of the extended outbuilding would be about 6m. Internally it would provide a carer's flat on the first floor; the ground floor would remain as a garage and store.
- 1.3 Two similar proposals were submitted for a first floor accommodation in 2012 and 2016. Both were refused planning permission and both were dismissed at appeal (planning history refers). The refusal reasons were similar. It was considered that the first floor extension to the existing garage building would harm the intrinsic character and beauty of the rural area and would result in a dominant building within the plot.
- 1.4 There have been no material changes to the appearance and character of Parsonage Lane since the latest appeal. Given that the current proposal is for an almost identical proposal in terms of scale and bulk to the existing garage outbuilding as previously proposed, the current proposal is considered to be equally harmful to the character and beauty of the countryside. Due to the scale and form of the enlarged outbuilding it would lose the subservient form and character within the plot and would result in a dominant building visible from the public road.
- 1.5 The applicant's personal circumstances were a material consideration in the previous appeals. No additional or new information has been submitted with the current proposal that would allow for officers to take a different view in terms of this consideration.
- 1.6 The application is recommended for refusal.

## **2. Description of site**

- 2.1 The site lies within the Rural Area of Little Baddow and is accessed by a rural lane that is leafy and gives access to sporadically positioned development along its length.
- 2.2 The area is characterised by large, detached dwellings within large plots. These are usually screened by vegetation and set back from the rural lane.
- 2.3 The application site contains a large, detached house significantly set back from the lane. Forward of this is a detached garage. It is positioned closer to the entrance gates and, despite the gates and mature vegetation to the front of the site, is visible from the rural lane.

## **3. Details of the proposal**

- 3.1 The proposed extension would add first floor accommodation over the entire footprint of the detached garage apart from a small rear projection. The extension would have a pitched roof

with three large dormer windows with slack hipped roofs. The maximum height of the proposed enlarged outbuilding would be about 6m.

3.2 The internal space would provide first floor habitable accommodation with an internal staircase, which would be installed inside the garage space. The proposed habitable area would include a lounge and an en-suite bedroom. On the ground floor the garage would remain as a garage but would be reduced in size due to the stairs. The other ground floor space would be retained in a domestic use.

#### 4. Other relevant applications

**22/01221/FUL** – Withdrawn 15<sup>th</sup> September 2022

Raising of the existing garage roof to create first floor habitable level for use ancillary to the existing dwelling with addition of 3 dormer windows. New first floor windows and alterations to ground floor fenestration.

**20/01152/FUL** - Approved 18th September 2020

Conversion of existing garage into gym with associated alterations to fenestration.

This proposal sought permission for the conversion of the garage space into a gym with a shower room.

The garage door was proposed to be replaced with a bay window and a new door installed. The storage room would have remained as existing.

**16/00182/FUL** - Refused 4th April 2016 – **Appeal dismissed**

First floor extension over existing garage and playroom to form carer's flat.

This proposal was similar to the 2012 planning proposal. It proposed first floor accommodation for a carer. This was refused planning permission and dismissed at appeal. The refusal reason stated that the addition of the first floor over the existing garage would significantly increase the height, scale and bulk of the building, resulting in a large, detached building rather than a subservient outbuilding. The enlarged building would be overly prominent from Parsonage Lane and would detract from the rural character of the area. This would adversely affect the intrinsic character and beauty of the countryside and be contrary to planning policies.

In considering the appeal, the Inspector considered that impact of the proposal on the character and appearance of the area. The Inspector stated that:

*'Its position [the extended garage's position], in front of the main dwelling, would result in the outbuilding dominating the site when viewed from the lane. From what I saw elsewhere on my site visit ancillary buildings were single storey and clearly subservient to their respective host properties. The proposal would therefore not be compatible with the form of development that characterises this rural area. (...) I conclude that the proposal would be harmful to the character and appearance of the area (...).'*

The inspector also considered the personal circumstances of the Appellant and the need for a carer accommodation within the site. The Inspector concluded that:

*'Personal circumstances are a material consideration only in exceptional circumstances when assessing the permanent effects of alterations to a building. The previous Inspector also considered the appellants'*

*personal circumstances and gave this matter only limited weight in reaching her decision. There was no additional evidence submitted in relation to the appeal proposal which leads me to take a different view. I therefore consider that the adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits.'*

**12/01257/FUL** - Refused 12th October 2012 – **Appeal dismissed**

First floor extension over existing garage and store to form carer's flat

This scheme was refused planning permission and dismissed at appeal. The scheme had a more conventional dual pitched roof over the extension. The overall height of this scheme was approximately 6.8m.

The main issue considered by the Inspector in the above appeal was the effect of the proposal on the character and appearance of the area. The Inspector stated that:

*"Whilst the proposal would utilise quality materials the additions would increase the scale and bulk of the building creating the appearance of a large detached building rather than a subservient outbuilding."*

The Inspector also acknowledged:

*"I acknowledge that views of the building would be limited when approaching the site from the east. However, when approaching from the west the existing outbuilding is glimpsed and the proposal, with its increased height and change in appearance, would be visible. The scale of the proposal may be compatible with the dwellings in the area, however, as an outbuilding it would stand out as an overly prominent feature, altering the relationship with the main dwelling. The effect would be the creation of a form of development harmful to the rural character of the area. It is possible that the existing vegetation and boundary treatment would reduce the views of the proposal to some degree; however it does not provide sufficient certainty that the harmful effect would be satisfactorily mitigated over time. Further the frontage of the lane has an open character and appearance and the introduction of a proposal of this scale would have an adverse impact on this."*

## **5. Summary of consultations**

*Little Baddow Parish Council* – the Parish Council objects to the application because it does not meet the requirements of Policy DM8 in the Chelmsford Local Plan in that the proposal will adversely impact the intrinsic character of the area and be an over development of the plot.

*Public Health & Protection Services* – no comments.

*Local residents* – the following comments received:

- The new building will be significantly taller than the current one, and as a result will be an obvious structure at the end of a garden of Corner Cottage with a significant increase in scale at close proximity to the boundary.
- The proposed extension will result in the loss of privacy as the new structure will overlook the garden and house at Corner Cottage.
- The size and scale will impact the privacy and light into the garden and also affect the privacy of Corner Cottage.
- The existing screening in the garden of the application site is very limited and in the garden of Corner Cottage is not sufficient to provide the privacy needed and does not extend across the full scale of

the proposed dwelling. This will result in a very clear line of sight of the new larger structure outside of the summer months when the tree line is not in leaf. The other newer part of the Annexe will be visible all year round this having an impact on privacy.

- Considering the size of the proposal the ability to put screening in place is limited and will cause significant disturbance to the plot of Corner Cottage to do so.

## 6. Planning considerations

### *Main Issues*

6.1 The main consideration is whether the proposal would not adversely impact the character and appearance of this rural lane.

6.2 Consideration would also be given whether the current proposal is materially different to the previous proposals and overcomes the previous concerns raised regarding the first floor addition.

### *Impact on countryside consideration*

6.3 Paragraph 174 of the National Planning Policy Framework 2021 (NPPF) states that planning decisions should contribute to enhancing the natural environment by protecting and enhancing valued landscapes and by recognising the intrinsic character and beauty of the countryside.

6.4 In assessing the intrinsic character and beauty of the Rural Area, the Council will make a judgement on a site-by-site basis. Every proposal must however comply with two criteria set in policy DM11 of the Local Plan. The policy states that planning permission will be granted for extensions or alterations to existing buildings where the building is located within the Rural Area and the extension or alteration would not:

- *be out of keeping with its context and surroundings and does not result in any other unacceptable harm; and*
- *adversely impact on the identified intrinsic character and beauty of the Rural Area.*

6.5 The application is similar to a scheme considered at appeal in 2013 and 2016 (see other relevant applications). The previous appeal decisions are a material consideration in the assessment of this application. Since these proposals were determined the NPPF has been updated and a new Local Plan has been adopted. The planning policies referring to the principle of development in rural areas have not changed. The national and the local policies seek to protect and enhance the rural and intrinsic character and beauty of the countryside. As policy DM11 of the Local Plan states, additions to existing buildings must be in keeping with the context and surroundings in which they are located and have no identifiable harm to the intrinsic character and beauty of the rural area.

6.6 The site is located in an area characterised by sporadic houses in fairly large, landscaped plots. There are large gaps between houses giving the appearance of a country lane. This character was noted by the Inspector considering two previous appeals. The character of the area has not changed since that time despite the fact that brick walls and taller gates have now been installed at the application site (for which there is no planning history).

6.7 The existing garage is located towards the front of the site and can be seen from Parsonage Lane, even behind the brick walls and gates. Due to its modest size and scale, it has very little impact on

the character and appearance of the area and appears as an ancillary building to the main house. The Inspector previously described the garage as

*“...a subservient building that has an ancillary function to the main dwelling. This is reflected in its scale and form and when glimpsed within the street scene it appears as an established outbuilding in a rural setting.” (para 5).*

6.8 In the 2016 appeal the Inspector suggested that the position of the garage is prominent as it partially obscures the front elevation of the main house. However, the Inspector noted that *‘the layout of the site ensures that the existing outbuilding is subservient to the main dwelling’ (para 3).*

6.9 The current proposal would add a first floor over the existing garage, increasing its height from 4.3m to around 6m. This height increase is identical to 2016 proposal, although, it is noted that the 2016 proposal included a much bolder design with mono-pitched roofs. The current proposal is for a more traditional structure with three slack and bulky dormer windows.

6.10 The enlarged outbuilding would appear as a two storey building, similar to that considered in 2013 and 2016. As previously noted, the addition of the first floor would significantly increase the scale and bulk of the building, resulting in a large, detached building rather than a subservient outbuilding. It would be visible from Parsonage Lane and due to its proximity to it would dominate the plot blocking the views towards the main house.

6.11 As noted by the Inspector in 2016 appeal decision, two storey outbuildings are not in keeping with the prevailing character of the built environment along the lane. Therefore, this has not changed since the later appeal decision.

6.12 As such, the proposed enlarged building would be overly prominent from Parsonage Lane, and it would detract from the rural character of the area. It would not be in keeping with the context of the surroundings and would detract from the character of the application plot. This would adversely affect the intrinsic character and beauty of the countryside in this location, which is contrary to Policy DM11 and the NPPF. The proposed scheme would not overcome the harm identified in the previous appeals.

### ***Other Matters***

6.13 It is understood that the proposal would provide accommodation for a carer to meet the need of the applicant. This was also considered by both Inspectors as part of the previous appeals. The Inspectors’ both previously noted that the harm caused by the development would long continue after the personal circumstances cease to be material and that the adverse impacts of the development would significantly outweigh any benefits. This would remain to be the case and the adverse impact on the intrinsic character and beauty of the countryside would not be outweighed by the circumstances of the applicant. It is noted that the most recent planning application proposes to convert the garage and be used as a gym with a shower room. The current proposal does not include this.

6.14 An objection has been received from the occupier of a neighbouring property, Corner Cottage. The occupiers were concerned with the overlooking issue and the loss of privacy due to the proposed first floor. Whilst the enlarged building would be visible from this site, the upper level windows facing the plot of Corner Cottage are proposed to be fitted with obscure glass. It is

considered that simply the presence of the enlarged building would not result in any identifying harm to the amenity of the neighbours and the obscure glass would prevent any overlooking of this neighbouring site.

## **7. Community Infrastructure Levy (CIL)**

7.1 This application is not CIL liable.

### **RECOMMENDATION**

**The Application be REFUSED for the following reasons:-**

#### **Reason 1**

Paragraph 174 of the National Planning Policy Framework 2021 states that planning decision should contribute to enhance the natural environment by protecting and enhancing valued landscapes and by recognising the intrinsic character and beauty of the countryside.

In assessing the intrinsic character and beauty of the Rural Area, the Council will make a judgement on a site by-site basis. Every proposal must however comply with two criteria set in policy DM11 of the Local Plan. The policy states that planning permission will be granted for extensions or alterations to existing buildings where the building is located within the Rural Area and the extension or alteration would not:

- i. be out of keeping with its context and surroundings and does not result in any other unacceptable harm; and*
- ii. adversely impact on the identified intrinsic character and beauty of the Rural Area.*

The addition of the first floor over the existing garage would significantly increase the height, scale and bulk of the building, resulting in a large, detached building rather than an outbuilding ancillary to the main house. The proposed enlarged building would not be in keeping with the context of the surroundings and would detract from the character of the application plot as it would be overly prominent and visible from Parsonage Lane. This would adversely affect the intrinsic character and beauty of the countryside in this location. This would adversely affect the intrinsic character and beauty of the countryside, contrary to Policy DM11 of the Local Plan and the objectives of the National Planning Policy Framework.

#### **Positive and Proactive Statement**

The Local Planning Authority provided advice to the applicant before the application was submitted but the applicant did not take on board all or some of that advice. The local planning authority has identified matters of concern with the proposal and the report clearly sets out why the development fails to comply with the adopted development plan. The report also explains why the proposal is contrary to the objectives of the National Planning Policy Framework to deliver sustainable development.

## Appendix 1

### Little Baddow Parish Council

Comments
Little Baddow Parish Council considered this application at its meeting on January 5, 2023 and objects to the proposal. Council feels that the application does not meet the requirements of Policy DM8 in the Chelmsford Local Plan in that the proposal will adversely impact the intrinsic character of the area and be an over development of the plot.

### Public Health & Protection Services

Comments
No PH&PS comments with regard to this application.

### Essex County Council Highways

Comments
No response received

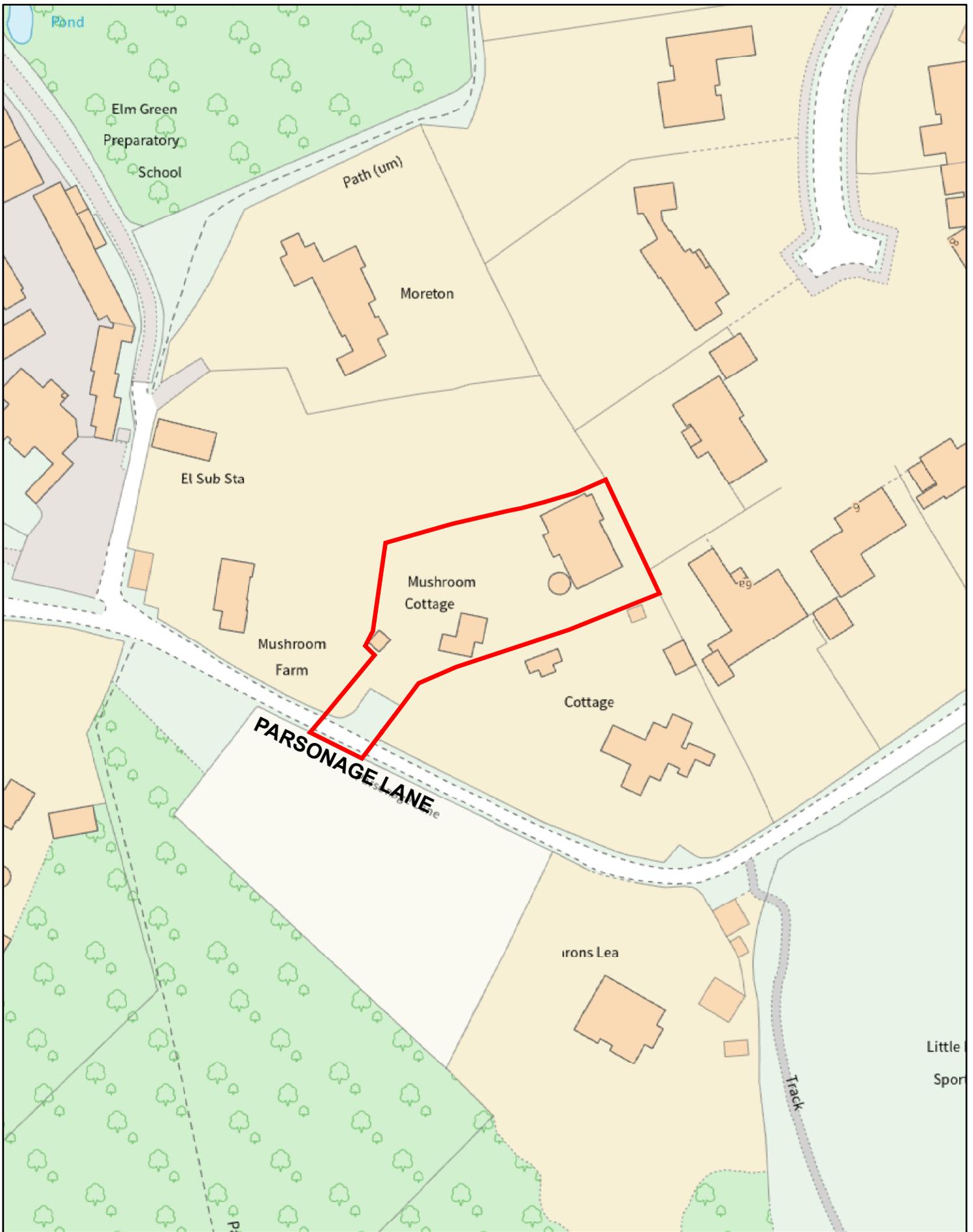
### Local Residents

Comments
Representations received and are included within the main body of the report.

### Background Papers

Case File

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**Planning Committee**  
**22/02091/FUL**

**Planning & Development Management**  
**Directorate for Sustainable Communities**

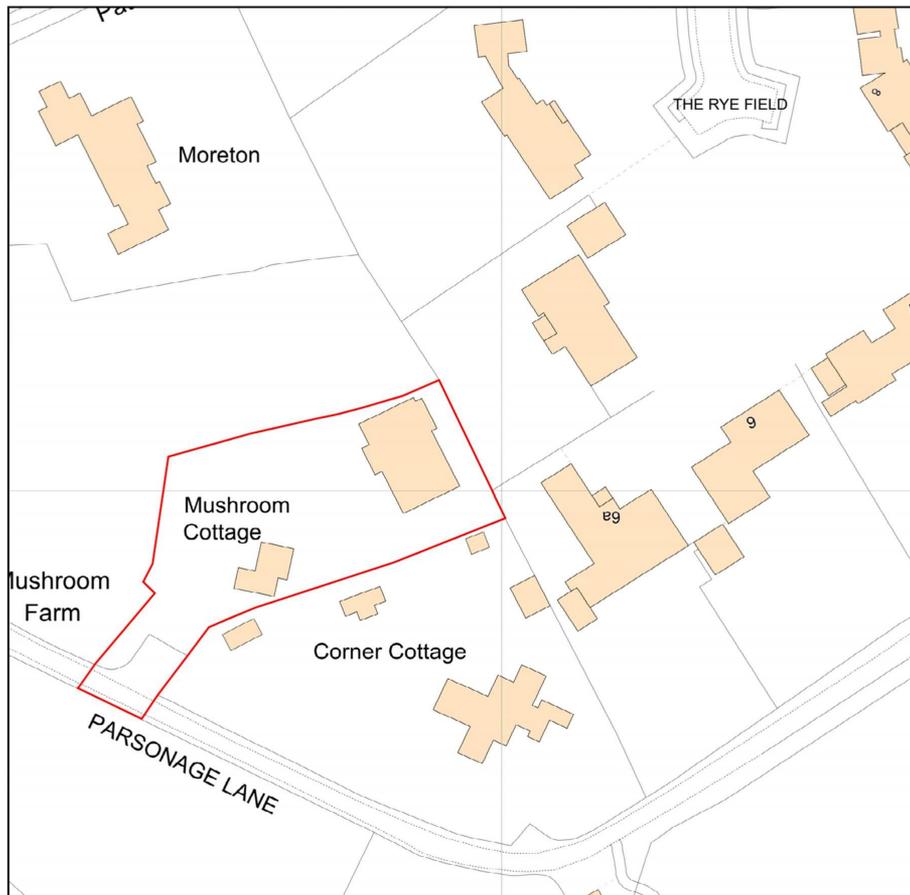
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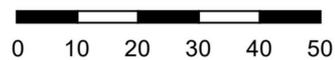
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**SITE PLAN, ISSUE 1.2**  
**MUSHROOM COTTAGE, PARSONAGE LANE, LITTLE BADDOW,**  
**CM3 4SU, AREA 150X150m, SCALE 1:1250 @A4**  
**(DRAWING NUMBER: MUCM34SU\_SP1.2)**



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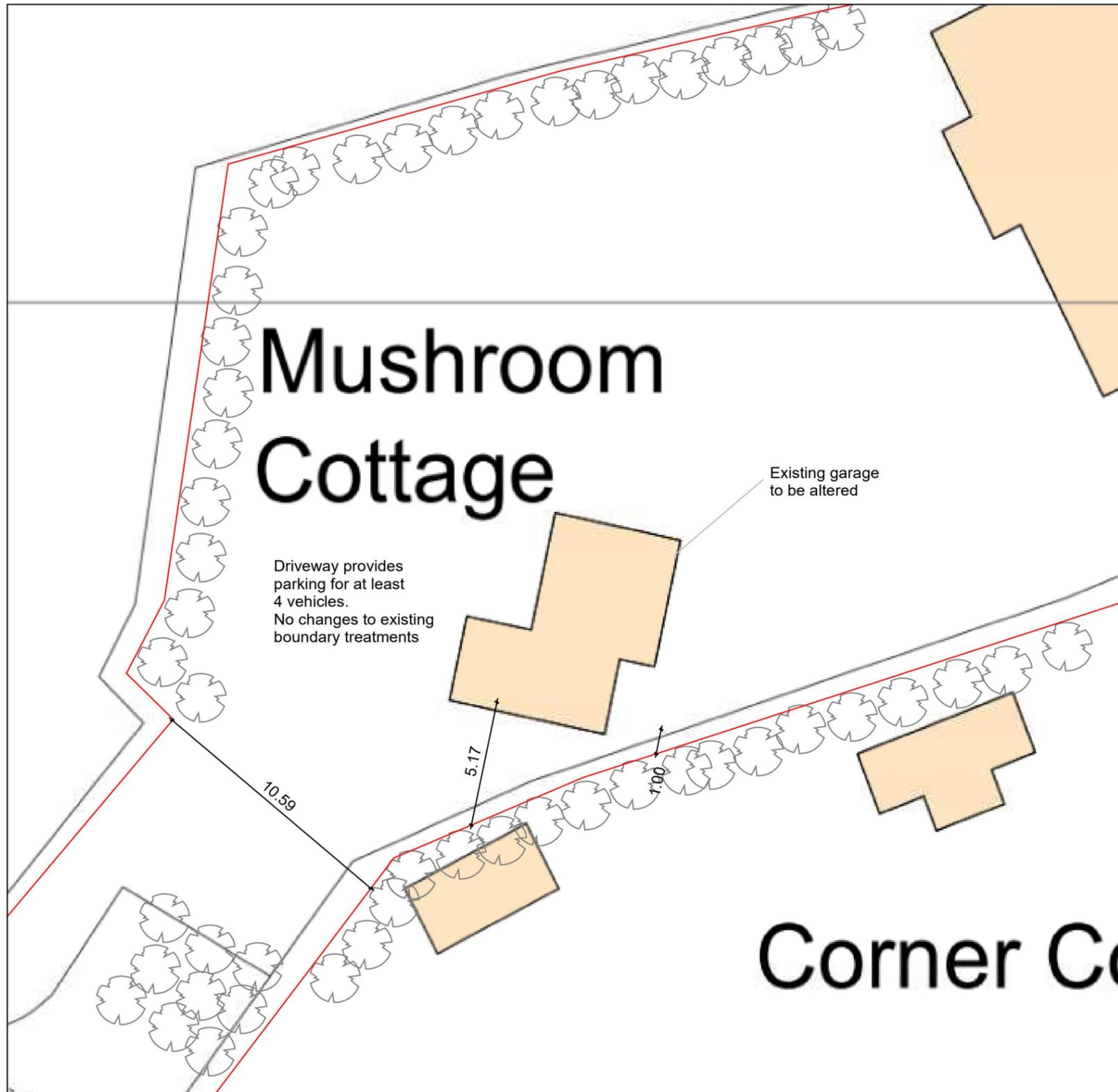


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BLOCK PLAN, ISSUE 1.1  
MUSHROOM COTTAGE, PARSONAGE LANE, LITTLE BADDOW,  
CM3 4SU, AREA 45X45m, SCALE 1:200 @A3  
(DRAWING NUMBER: MUCM34SU\_BP1.1)



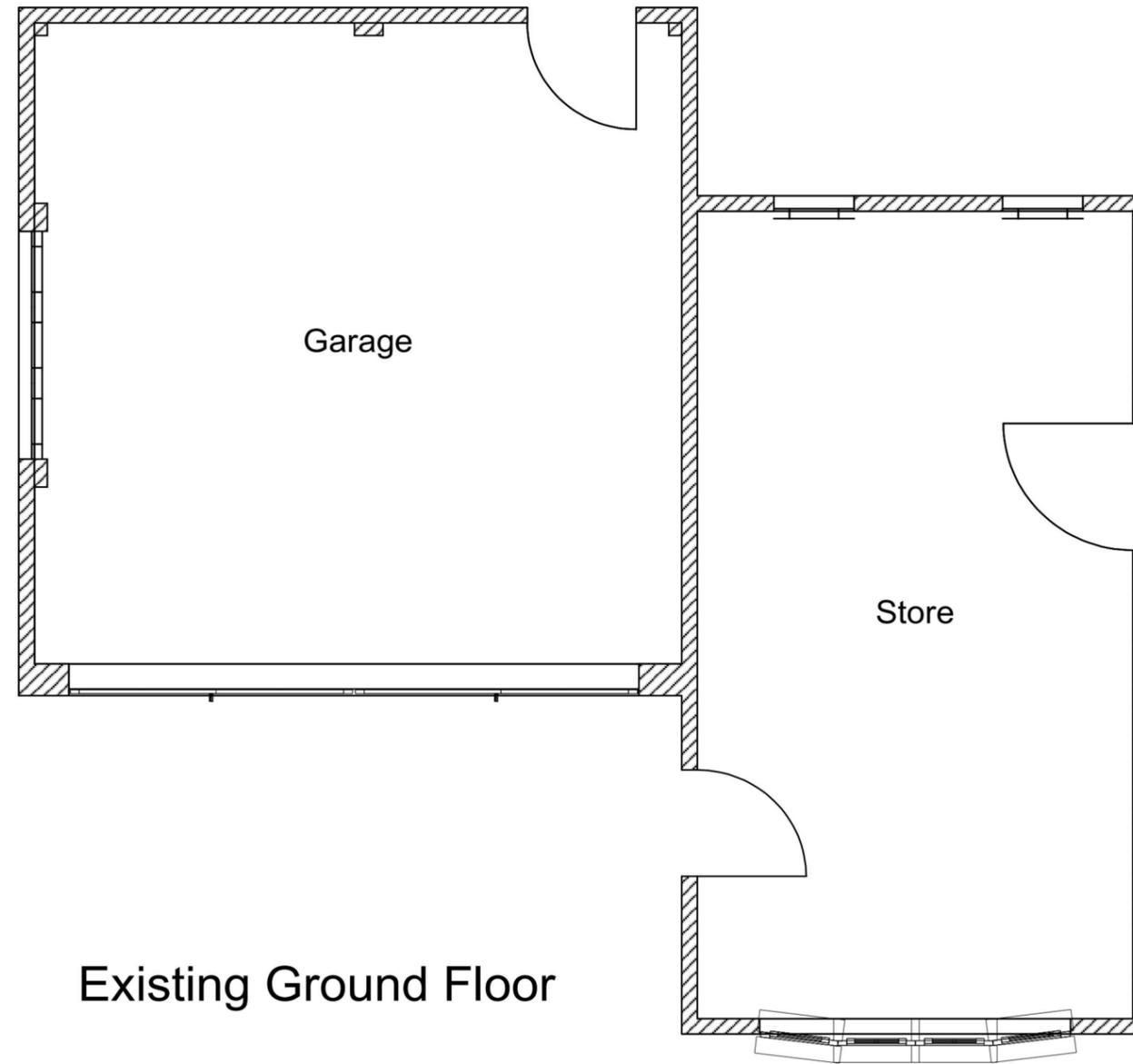
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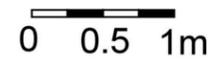
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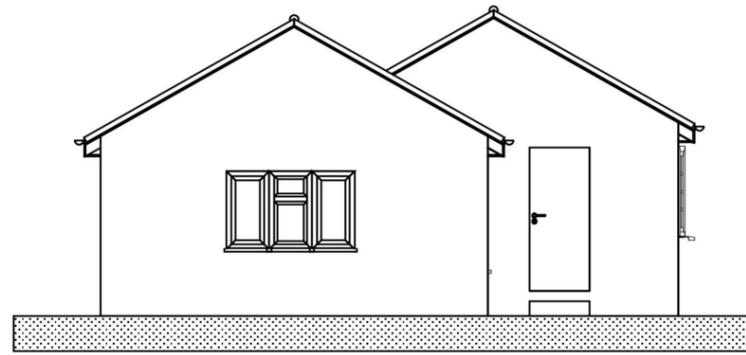
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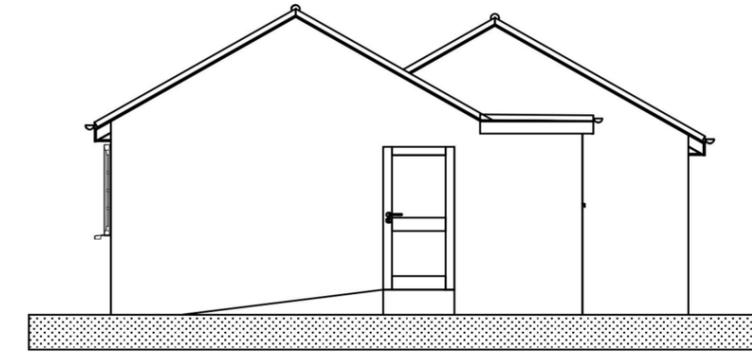




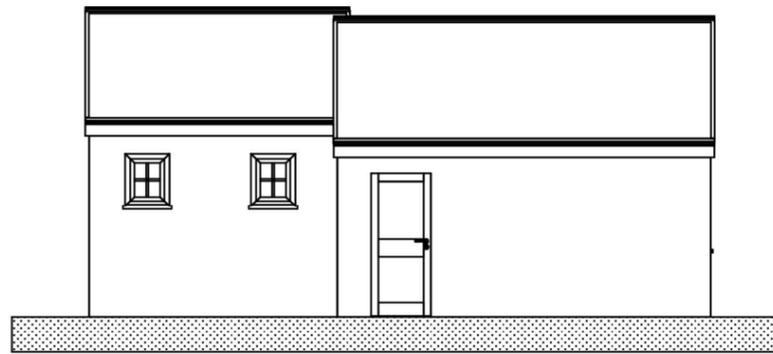
Existing North Facing Side Elevation



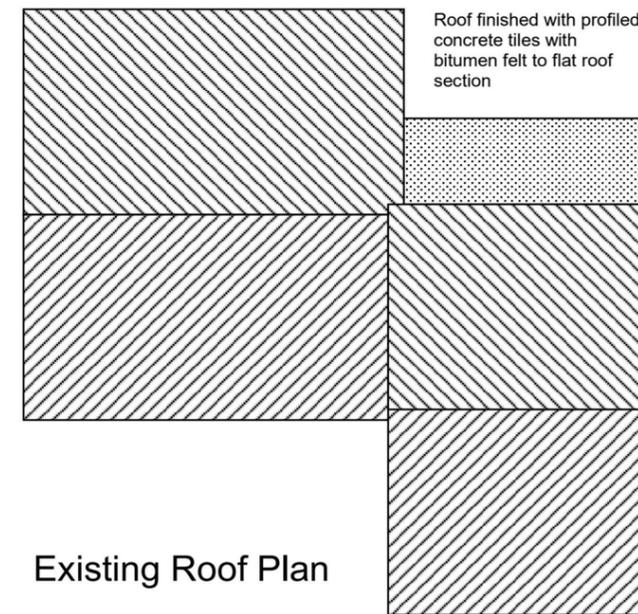
Existing West Facing Front Elevation



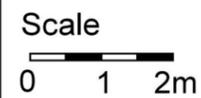
Existing South Facing Side Elevation

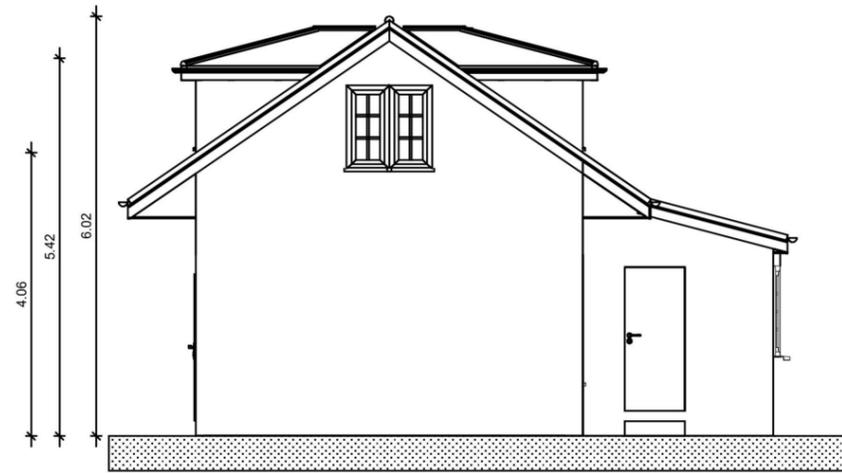


Existing East Facing Rear Elevation



Existing Roof Plan

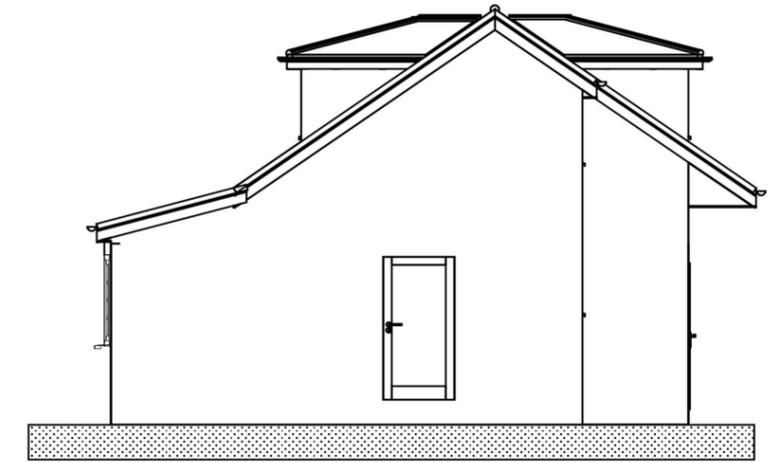




Proposed North Facing Side Elevation

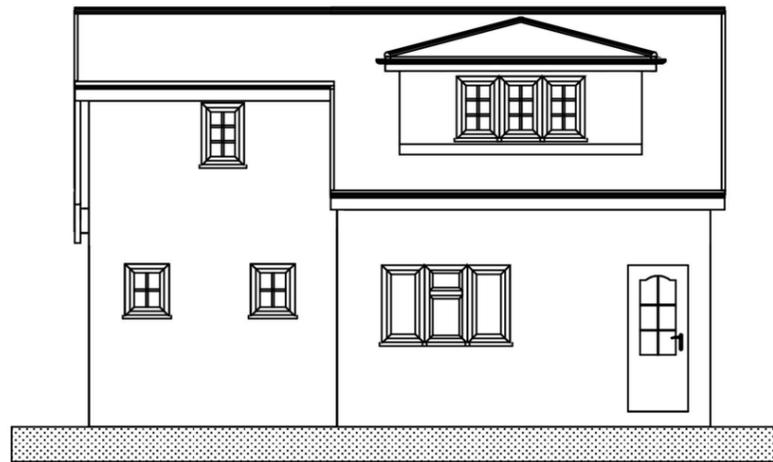


Proposed West Facing Front Elevation

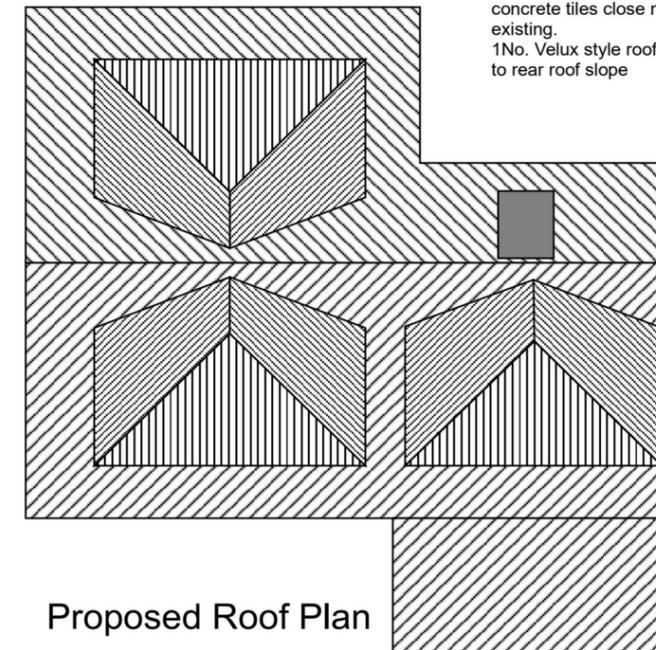


Proposed South Facing Side Elevation

Walls finished with render to match existing.  
White UPVC windows and doors to match existing



Proposed East Facing Rear Elevation

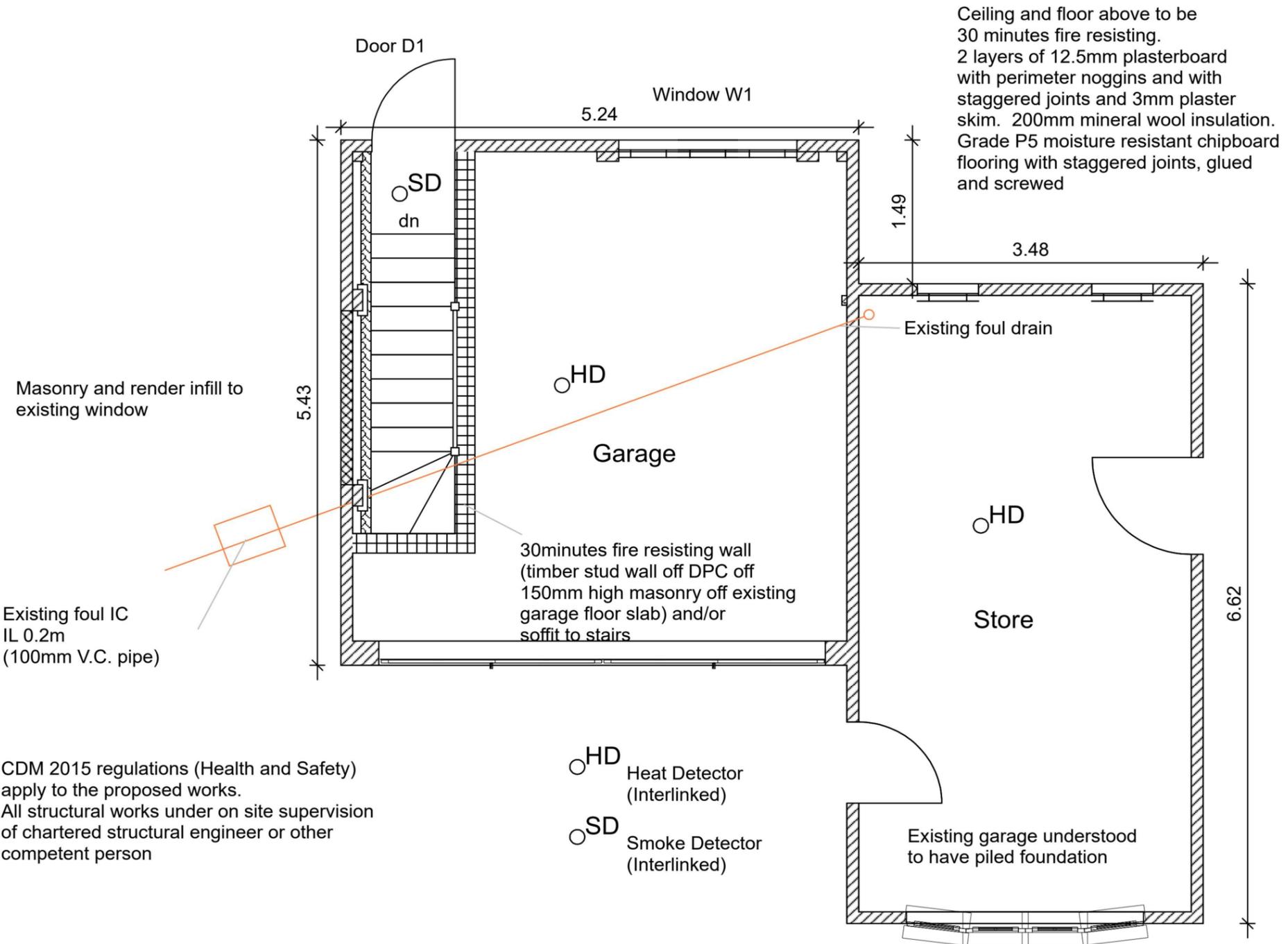


Roof finished with profiled concrete tiles close match to existing.  
1No. Velux style roof window to rear roof slope

Proposed Roof Plan

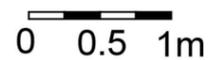


Drawings scaled for planning purposes:  
All dimensions to be confirmed on site.



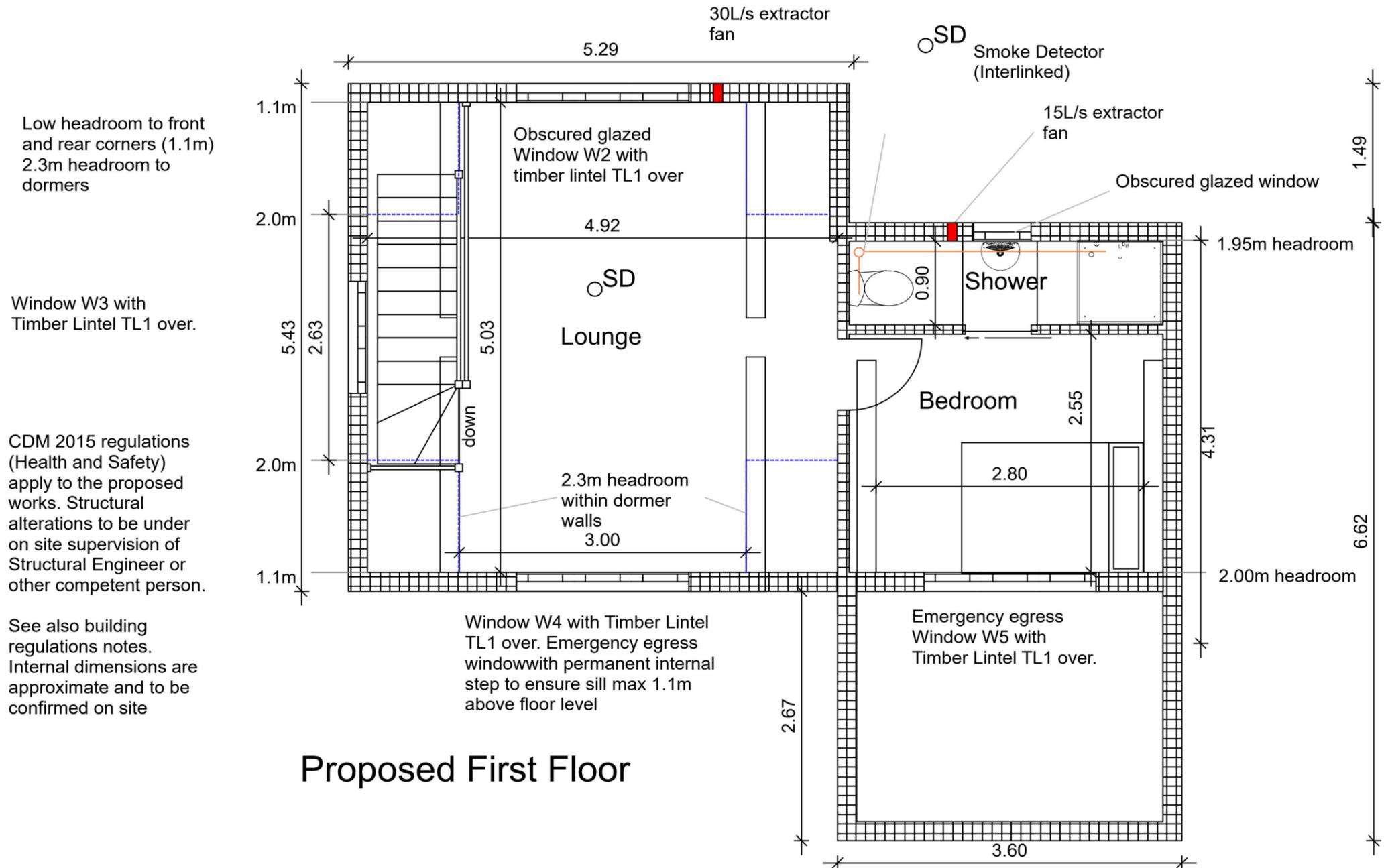
## Proposed Ground Floor

Scale



Heating to be via heat pump (air conditioning) unit with external unit installed at ground level to rear of building, with high level fan heater to shower room.  
 Hot water via under sink water storage heater (e.g. Redring MS6 stored water heater).  
 Shower to be electrically heated

New 110mm UPVC foul drainage at 1:40 gradient connected to existing SVP.  
 Modify vent to existing SVP to terminate min 900mm above openings 40mm pipe for sink and shower waste

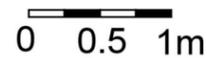


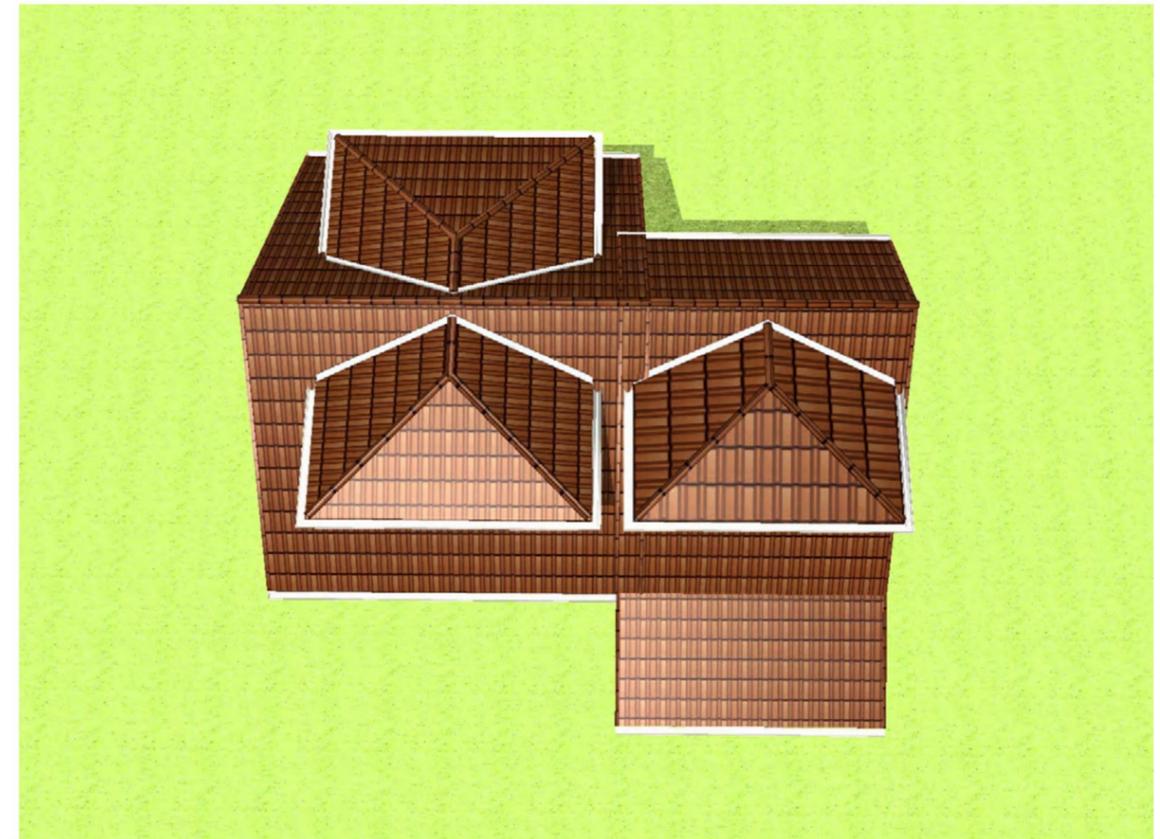
### Proposed First Floor

U-values of glazing:

Windows: 1.4W/m<sup>2</sup>K max  
 Doors: 1.6W/m<sup>2</sup>K max

Scale





Illustrative Visualisations of Proposed