

Stage 1 of the HRA

Application No:	FUL/MAL/19/00782
Location:	Bacons Cottages, Glebe Lane, Dengie
Proposal:	Construction of annex for occupation by family members
Consultation Expiry Date:	29.08.2019
Application Expiry Date:	09.10.2019
Parish Council Response:	No response
Case Officer:	Louise Staplehurst
Recommendation:	REFUSE PLANNING PERMISSION

Site Description

The application site is located on the north side of Glebe Lane, outside of any defined settlement boundary. The dwelling on the site is a grade II listed building and is situated towards the south boundary of the site, adjacent to the road. Bacons Cottages were built in the mid/late 19th century as a row of three, two-storey timber-framed and weather boarded cottages; however, they have been converted into one dwelling. A detached brick outbuilding is located to the west of the cottages, with a recent cart lodge addition to the east of the site. The site is within an isolated rural location, with no immediate neighbours.

The Proposal

The application seeks permission for an outbuilding to be used as an annex by family members of the occupants of the main dwelling.

The development will be of a staggered design. In total, it will measure 16 metres wide, 8.1 metres deep, 2.5 metres high to the eaves and 4.4 metres high overall. The building will be formed of three parts. The northern-most section will measure 6 metres wide and 6 metres deep, the whole building will then step in 1 metre to the east, with the second section measuring 6 metres deep and 5 metres wide; the building steps in again by 1 metre to the east with the third section measuring 6 metres deep and 5 metres wide. There will be a covered porch over the front door measuring 2.9 metres wide and 1 metre deep.

In terms of materials, the walls will be made of timber weatherboarding to match the existing car port, the roof will use slate tiles, the windows will be double glazed and made of timber and the doors will be timber and glazed.

The development will have one bedroom with an en-suite, a wet room, a sitting room and a kitchen/dining room. The supporting statement states that the occupiers of the development will rely on the main dwelling for clothes washing facilities.

A supporting statement has been submitted with the application justifying the need for the development and setting out the current family situation and why the development is the most suitable option.

Due to the location of the development, the level of accommodation proposed and that it would be occupied independently to the main dwelling, it is not considered that the proposal relates to a building that would be used ancillary to the existing dwelling on the site and therefore it is considered that the proposal relates to a new dwelling and the application will therefore be assessed as such.

Assessment

The Conservation of Habitats and Species Regulations 2017, section 24 (Assessment of implications for European sites) states that:

Where it appears to the appropriate nature conservation body that a notice of a proposal under section 28E(1)(a) of the WCA 1982 relates to an operation which is or forms part of a plan or project which -

(a) is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site,

they must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

Where any plan or project may have a “likely significant effect” (LSE) on a European site (as in this case) the HRA process must be followed. This is generally considered to consist of four stages which are:

1. Screening for an LSE
2. Appropriate Assessment (AA) and the Integrity Test
3. Alternative Solutions
4. Imperative reasons of overriding public interest (IROPI) and compensatory measures

The proposal falls below the threshold of that which would receive bespoke advice. Therefore, the proposed works were considered against the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 by Maldon District Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

The Local Planning Authority have carried out screening for a likely significant effect and it is considered that due to the proposal only relating to one dwelling and that there would be limited additional residential activity, it is not considered that there would be a likely significant effect on any designated sites. Therefore, having carried out a ‘screening’ assessment of the project, the competent authority has concluded that the project would not be likely to have a significant effect on any European site, either alone or in combination with any other plans or projects (in light of the definition of these terms in the ‘Waddenzee’ ruling of the European Court of Justice Case C – 127/02) and an appropriate assessment is not therefore required.

Conclusion

The Competent Authority hereby determines that the development would not be likely to have a significant impact on the designated sites and therefore, further assessment is not required.