



---

## Appeal Decision

Site visit made on 24 October 2016

**by Graham Chamberlain BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 31<sup>st</sup> October 2016**

---

**Appeal Ref: APP/C1570/W/16/3155060**

**Cheston House, London Road, Great Chesterford, Essex CB10 1NY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Scott Cranfield against the decision of Uttlesford District Council.
  - The application Ref UTT/16/0790/FUL, dated 20 March 2016, was refused by notice dated 6 June 2016.
  - The development proposed is the demolition of a garage and the erection of a 3 bedroom dwelling and alterations to the access.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the demolition of a garage, the erection of a 3 bedroom dwelling and alterations to the access at Cheston House, London Road, Great Chesterford, Essex CB10 1NY, in accordance with the terms of the application, Ref: UTT/16/0790/FUL, dated 20 March 2016, subject to the conditions in the attached schedule.

### Preliminary Matters

2. The name of the appeal property has been changed to Cheston House from that on the application form, which was Dabbs House. I have reflected this in my formal decision.

### Background and Main Issue

3. The Council have previously approved the scale, design and siting of the dwelling which is now the subject of the appeal before me (Ref. UTT/15/1193/FUL). The difference between the approved development and the appeal scheme is the position of the access. There is nothing before me to suggest the approved development is not capable of being lawfully commenced and consequently it is a fall-back position to which I must afford weight.
4. I have set this out at the start of my considerations as I am aware of the concerns of interested parties that the appeal scheme would diminish their living conditions in terms of privacy and outlook. However, in these respects, the effect of the appeal scheme would be the same as that approved. Consequently, I have confined my assessment to the difference between the two, namely the approved and proposed access points. As such, the main issue in this appeal is the effect of the proposed development on the living conditions of the occupants of Cheston House and Medway House with particular reference to any noise and possible disturbance.

## Reasons

5. Cheston House is a two storey property set back from the road behind a large front garden, which is predominately a gravelled parking area. It is situated in a discernable building line and is flanked by Medway House to the south-east and Kismet to the north-west. In-between Cheston House and Kismet is a narrow private drive which is shown on the site plan as connecting residential properties and a builders yard to London Road.
6. As stated above, planning permission has been granted for a dwelling to be erected in the large rear garden currently serving Cheston House. The approved access to this dwelling would be along the driveway between Cheston House and Kismet with a breach made in the north-western boundary of the appeal site.
7. The appeal scheme proposes the relocation of the approved access so that it would pass between Cheston House and Medway House. The existing garage to the side of Cheston House would be demolished so that the existing driveway to the side of the property could be extended into the rear garden where a parking and turning area would be constructed to serve the proposed dwelling. The Council are concerned that an access to the proposed dwelling in this location would harm the living conditions of the occupants of Medway House and Cheston House through an unreasonable level of noise and disturbance.
8. Vehicles using the proposed access would pass very close to the south-eastern flank elevation of Cheston House. However, other than a door, which would be blocked up, there are no openings in this elevation. Moreover, there is no substantive evidence before me to suggest vehicle noise would permeate through the wall to the extent it would be harmful. In this respect, I note the Council did not receive a technical objection from an acoustician or other specialist.
9. The proposed access, parking and manoeuvring space would wrap around the rear garden that would be retained for the occupants of Cheston House. This would result in vehicles passing the rear garden in a position closer to the boundary than if the approved access were used. Nevertheless, I do not consider the impact would be significantly greater. This is subject to a planning condition that the existing gravel surface is replaced with a bound material. As such, the effect on the living conditions of the occupants of Cheston House would not be harmful.
10. Medway House is set in from the boundary with Cheston House. There is a door and window in the side elevation of Medway House and a conservatory to the rear. Nevertheless, it would be separated from the proposed access by its own driveway. Therefore, vehicles entering the appeal site would not pass immediately alongside the side elevation of Medway House. Moreover, the arrangement proposed would be similar to that found between Kismet and the private access driveway to the north west of Cheston House. Given the position of the existing garage at Cheston House, some activity along the side of the property is currently possible. The appeal scheme would intensify this, but not to an unacceptable degree. The impact on Medway House would not be harmful.
11. In coming to this conclusion, I have given weight to the guidance contained in the Essex Design Guide 2005 referred to by the appellant, and not contested by the Council, that an access narrower than that proposed can be acceptable. I have also considered the existing noise environment, as vehicles using London Road are clearly audible to the front and rear of Cheston House. A similar situation is likely to be the case at Medway House and therefore any movements along the access

would not be introducing noise into an otherwise quiet and tranquil area. Additionally, the number of movements associated with the proposed dwelling would be modest.

12. I therefore conclude that the proposed development would not result in an unreasonable level of noise and disturbance to the detriment of the living conditions of the occupants of Cheston House and Medway House. The proposal would therefore adhere to saved policies GEN1, GEN2 and H4 of the Uttlesford Local Plan 2005, which seek to safeguard living conditions. An aim consistent with Paragraph 17 of the National Planning Policy Framework.

### **Other Matters**

13. I note that the Local Highway Authority has not indicated that it has any concerns with the proposed access in respect of highway safety, including the width of the proposed access. I have no reason to disagree with this expert view and there is nothing to suggest the emergency services could not attend an incident from London Road, the front of Cheston House or the access track to the north west.
14. I note the concerns regarding the felling of a mature Chesnut tree but it is not apparent that the acceptability of the approved development was subject to the retention of this tree. As such, the subsequent removal of the tree is not a determinative factor in the appeal before me. The safe removal of any asbestos contained within the existing garage is covered by other legislation. Given the context of the area and the boundary treatment to the front of Cheston House, I am satisfied the access would preserve the character and appearance of the area.

### **Conditions**

15. I have had regard to the advice in the Planning Practice Guide and the conditions suggested by the Council and Local Highway Authority. In addition to the standard commencement period, it is necessary in the interests of living conditions to add a condition requiring implementation in accordance with the submitted drawings, taken from the decision notice as well as the blocking up of the side door of Cheston House and for a bound surface to be used to the driveway. The latter point can be picked up through a landscaping condition, which is necessary to safeguard the character and appearance of the area.
16. In the interests of highway safety, it is necessary to attach those conditions suggested by the Local Highway Authority. It is not necessary to prohibit an access from the access track to the north, as suggested by the appellant, as the use of this track has been found to be acceptable by the Council. To protect heritage, it is necessary to attach the archaeological conditions suggested by the Council. The Council have suggested that a no dig solution is required for the driveway, but the reasons for this are not given and therefore I am not satisfied this is necessary.

### **Conclusion**

17. For the reasons given above, and having regard to all other matters raised, I conclude the appeal should be allowed.

*Graham Chamberlain*  
INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall commence before the expiration of three years from the date of this decision.
- 2) The development hereby approved shall be carried out strictly in accordance with the details shown on the following approved drawings (or any approved non material amendment to the drawings or any drawings submitted pursuant to a condition attached to this planning permission):
  - 2065.P.001 A, 2065.P.003 F, 2065.P.004 B, 2065.P.005 B, 2065.P.006 A, 2065.P.007 D, 2065.P.008, 2065.P.009 C, 2065.P.010 E, 2065.P.002 H.
- 3) Before development commences full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-
  - Proposed finished levels
  - Means of enclosure
  - Hard surfacing, other hard landscape features and materials (including confirmation that the driveway will be constructed with a bound material).
  - Existing trees, hedges or other soft features to be retained
  - Planting plans, including specifications of species, sizes, planting centres, number and percentage mix
- 4) The two bathroom roof lights shown on Drawing Number 2065.P.004B shall be obscured glazed and the secondary window to bedroom 2 (also indicated on Drawing Number 2065.P.004B) shall be fitted with restrictors in accordance with details that have previously been submitted to, and approved, in writing by the Local Planning Authority.
- 5) No development or preliminary ground works can commence until a programme of archaeological trial trenching and excavation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the developer, and approved in writing by the Local Planning Authority.
- 6) The developer will submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.
- 7) No development shall take place until the proposed private drive has been widened to a width of 5.5 metres for at least the first 6 metres from the back of the carriageway and provided with an appropriate dropped kerb crossing of the footway/verge in accordance with details that have previously been submitted to, and approved, in writing by the Local Planning Authority.
- 8) Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.
- 9) No development shall take place until the door in the southern side elevation of Cheston house, within the area outlined in blue on drawing No. 2065.P.007 Revision D, has been removed and the opening in filled in materials to match the exiting building. No further openings shall be inserted into this elevation.