

Appeal Decision

Site visit made on 7 November 2016

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 14th November 2016

Appeal Ref: APP/C1570/W/16/3156611

Bury Grove, Whiteditch Lane, Newport, Saffron Walden, Essex CB11 3UD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Tindall against the decision of Uttlesford District Council.
 - The application Ref UTT/16/0738/OP, dated 10 March 2016, was refused by notice dated 18 July 2016.
 - The development proposed is 3 No. detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form indicates that the planning application was submitted in outline with all matters reserved for future consideration. Nevertheless, a layout plan has been submitted which identifies the likely position of the proposed houses and the site access. A section drawing has also been presented which demonstrates that the proposed dwellings would probably be two storeys in height. The drawings are not marked as illustrative or indicative and therefore I have been presented with details of layout, access and scale, which appear as reasonably firm proposals. I have considered the appeal accordingly.
3. I have taken the description of development from the appeal form as there is not a description of development on the application form.

Main Issues

4. The main issues in this appeal are the effect of the proposed development on:
 - The character and appearance of the area; and
 - The living conditions of nearby and future residents.

Reasons

The effect on the character and appearance of the area

5. The appeal site encompasses part of the existing rear garden of Bury Grove, a large detached house located on the western side of the road. The rear garden has a gentle slope with the land rising from east to west. The southern and
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western boundaries are delineated by hedges with the northern boundary marked by a close boarded fence erected to define the boundary with an approved but yet unimplemented residential development beyond. There are a number of trees towards the rear of the garden which add a sense of maturity and a landscaped backdrop to Bury Grove and Whiteditch Lane.

6. Whiteditch Lane is a narrow lane predominately characterised by frontage development set back from the road behind front gardens. The lane currently has a verdant and semi-rural character. However, it is notable that a number of new developments along the lane have been, or are under, construction and there are a number of extant approvals nearby, including housing to the south, north and east of the appeal site. I have no reason to believe these developments are unlikely to proceed and therefore the character and appearance of Whiteditch Lane is set to become more suburban. It is within this context that I have considered the appeal scheme.
7. The appeal scheme is for the erection of three dwellings in the rear garden of Bury Grove with a shared access provided along its northern flank. It is likely the houses would be arranged over two floors and situated around a central turning and manoeuvring area.
8. The three houses proposed would be located within comparatively small plots with little space available between the dwellings and the boundaries. This would also be the case for Bury Grove, which would span the width of its remaining plot. The houses are likely to have significant site coverage and would thus appear unduly cramped with little space retained for meaningful landscaping, which could otherwise soften the impact of the development on the countryside. In this respect, the impact would not be similar to the houses approved nearby, which generally include dwellings in more spacious plots.
9. Additionally, due to the site levels, and the probable two storey scale of the proposed houses, there would be an awkward juxtaposition with Bury Grove, with the proposed houses appearing higher and thus unduly prominent and dominant when viewed from Whiteditch Lane. This impact would not be wholly mitigated by the erection of the two houses approved to the immediate north of Bury Grove, as views would be visible between these houses as well as along the access road proposed as part of the appeal scheme. As such, the appeal scheme would significantly harm the character and appearance of the area.
10. In coming to this view I note that there are approved developments nearby which would not have a road frontage and would coalesce. I do not consider the appeal scheme would be objectionable if it continued these existing trends. Nevertheless, for the reasons already given the appeal scheme would harm the character and appearance of the area and thus the presence of other 'back land' developments, some of which would visually merge, does not justify the harmful impacts that would arise from the appeal scheme.
11. I therefore conclude that the erection of three houses in the way envisaged by the appellant would significantly harm the character and appearance of the area. This would be contrary to saved Policies S7, H4 and GEN2 of the Uttlesford Local Plan 2005, which together seek to protect or enhance the character of the countryside and the area more generally by ensuring new development is compatible with the scale, form and layout of existing development. These aims are consistent with Paragraphs 17 and 58 of the National Planning Policy Framework (The Framework).

The effect on living conditions

12. The Council has suggested, and the appellants have not disagreed, that the garden areas that would serve the three dwellings proposed would be approximately 48sqm – 80sqm in area. This would be significantly below the minimum garden size of 100sqm suggested in the Essex Design Guide. There is nothing before me to suggest I should not give the suggested standards in the Essex Design Guide significant weight. This is especially so as the appellants have indicated that the houses would be three bedroom properties, and thus family accommodation, within which there is a reasonable expectation that space should be provided for children to play. This weighs against the proposal.
13. Moreover, I share the Council's reservations that the proposed houses would need to be located in close proximity to the boundaries of their plots. This would likely result in an awkward back to side relationship between Plot 1 and Bury Grove. The consequence of this is that the outlook from Bury Grove would be dominated by Plot 1. It is also unclear how the privacy of the occupants of neighbouring properties would be safeguarded as there are limited opportunities to sensitively angle windows and ensure robust separation distances.
14. I therefore conclude that the inherent failings of the appeal scheme would be such that three houses could not be erected without significant harm to the living conditions of the future occupants of the proposed dwellings, as well as the living conditions of the occupants of neighbouring properties, including those that have been approved but are yet to be constructed. This would be contrary to both saved Policies H4 and GEN 2 of the LP, which seek to protect residential amenity, an aim consistent with Paragraph 17 of the Framework.

Other Matters

15. I note the additional concerns raised by interested parties but given my findings on the main issues it has not been necessary for me to draw conclusions on these points and I have not been presented with substantive evidence that there is insufficient infrastructure capacity or that there would be harm from flood risk or to highway safety.
16. The appeal scheme would provide three houses in an apparently accessible location in a way that would use the appeal site more efficiently. This would help to sustain the Council's housing land supply and supports many of the objectives in the Framework. However, the proposal would harm the character and appearance of the area and prejudice living conditions. Consequently, the proposal would not adhere to local and national policy when considered as a whole. As such, the significant harm I have identified, alongside the conflict with local and national policy, means the appeal scheme is not sustainable development for which the Framework affords a presumption in favour.

Conclusion

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

Graham Chamberlain
INSPECTOR