

Appeal Decision

Site visit made on 31 October 2016

by Robert Parker BSc (Hons) Dip TP MRTPI

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

Decision date: 2 December 2016

Appeal Ref: APP/C1570/W/16/3155245

Site rear of 75 Walden Road, Swards End, Saffron Walden, Essex CB10 2LG

- 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 B Barnes against the decision of Uttlesford District Council.
 - The application Ref UTT/15/3822/OP, dated 22 December 2015, was refused by notice dated 23 February 2016.
 - The development proposed is erection of 2 dwellings and garages (outline application) and hardening of access surface.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs B Barnes against Uttlesford District Council. This application is the subject of a separate decision.

Procedural Matter

3. The application has been submitted in outline with details of access for consideration at this stage. All other matters are reserved for future approval. I have dealt with the appeal on this basis.

Main Issues

4. In the light of all that I have read and seen I consider that the main issues in this case are:
 - a) the effect of the proposal on the character and appearance of the area; and
 - b) the effect on the living conditions of the occupiers of No 73A and No 75 Walden Road, with particular reference to noise and disturbance.

Reasons

Character and appearance

5. The appeal site comprises part of the rear garden of No 75 Walden Road. It is presently occupied by a fishpond, summerhouse and collection of sheds. To the west of the site is a pair of open paddocks. These are served by a grass track which runs between No 73A and No 75. The track would be resurfaced to provide access to the proposed development.
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6. The character of this section of Walden Road is particularly well defined, with dwellings set back from the road behind mature front gardens and driveways. Although the properties vary in design there is a consistent building line and development is almost exclusively single plot depth. I saw that the back gardens are largely undeveloped and domestic outbuildings, such as those on the appeal site, are small scale and incidental features amongst the vegetation.
7. Although clearly not in agricultural use, these areas are significant in creating the visual transition between the built-up area and open countryside beyond. The proposed dwellings would intrude into this important zone, introducing development in depth where presently none exists. This would be discordant and wholly at odds with the prevailing grain of development in the locality of the appeal site. The suggestion of a condition to restrict development to single storey would not satisfactorily address my concerns in this respect.
8. The appellants have highlighted examples of 'backland' development elsewhere in the village, including several recent permissions. I took the opportunity of viewing these sites during my visit. However, since I do not know the full background to the cases or the circumstances under which they were approved it is difficult to determine whether there are any direct parallels with the appeal proposal. I have therefore considered the scheme on its merits as I am required to do.
9. In policy terms, the majority of the proposed development would lie outside of the settlement boundary where saved Policy S7 of the Uttlesford Local Plan (2005) (ULP) imposes strict controls over new building, in the interests of protecting the countryside for its own sake. The policy states that development will only be permitted if its appearance protects or enhances the particular character of that part of the countryside within which it is set or there are special reasons why the development in the form proposed should be there.
10. It has been put to me that the settlement boundary is out-of-date. However, it seems to me that Policy S7 remains generally consistent with the National Planning Policy Framework (the Framework) insofar as it seeks to protect the intrinsic character and beauty of the countryside. Its provisions are also compatible with the requirement in Paragraph 58 of the Framework for developments to respond to local character.
11. I appreciate that the proposal would deliver additional homes at a time where there is a need to boost significantly the supply of housing. However, this does not constitute a special reason to justify development of the appeal site, given the harm I have identified above. The proposal would have an adverse impact on the character and appearance of the area, particularly when viewed from neighbouring properties and gardens. For this reason I conclude that it would conflict with Policy S7 of the ULP. The proposal would also be contrary to Policy GEN2 which, amongst other things, seeks to ensure that development is compatible with the form and layout of surrounding buildings.

Living conditions

12. Access to the proposed development would be via the existing track between No 73A and No 75 Walden Road. Although not identified as an issue in the reason for refusal, concerns are expressed within the officer report regarding the noise and disturbance generated by vehicle movements along the track.

13. The additional comings and goings associated with a scheme of two dwellings are unlikely to be significant in number. Nonetheless, the proximity of the access to adjoining properties and gardens means that the increase in activity would be noticeable for residents who hitherto have enjoyed relative peace and quiet. In my judgement this would result in unacceptable levels of noise and disturbance to the detriment of the neighbours' reasonable living conditions. The fact that the appellants own No 75 does not alter my view on this point since I must also consider the living conditions of future occupiers.
14. Saved Policy H4 of the ULP states that backland development will be permitted where, amongst other things, access would not cause disturbance to nearby properties. In my view, the proposal would conflict with this policy. It would also run contrary to a core planning principle of the Framework that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
15. Although cited in the officer report and relevant to residential amenity issues, saved Policy GEN2 of the ULP makes no reference to adverse impacts from noise or disturbance. As such, it has not had a significant bearing on my consideration of this particular issue.

Other Matters

16. It is contended that the Council is unable to demonstrate a 5 year supply of deliverable housing sites. I am told that a committee was advised verbally in June 2016 that there was an estimated shortfall of 28 dwellings. I have no firm evidence to confirm whether or not this is the true position. However, even if the information were found to be correct, the shortfall would be insignificant in the context of an overall requirement of 3373 units.
17. At the heart of the Framework is the presumption in favour of sustainable development. This has three dimensions: economic, social and environmental. These roles are mutually dependant and should be jointly sought. In this instance the harm to the character and appearance of the area and the living conditions of adjoining occupiers leads me to conclude that the proposal is not sustainable development. These impacts are significant and demonstrable and they therefore outweigh the modest benefits to housing supply and the construction industry in this case.

Conclusion

18. In light of my reasons above, I conclude that the proposal does not comply with the development plan taken as a whole and does not represent sustainable development in the terms of the Framework. Accordingly, even if it were the case that the Council cannot demonstrate a 5 year supply of land for housing, there are no material considerations which would warrant a decision other than in accordance with the development plan.
19. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR