
Appeal Decision

Site visit made on 6 February 2017

by J L Cheesley BA(Hons) DIPTP MRTPI

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

Decision date: 9th February 2017

Appeal Ref: APP/C1570/D/16/3164890

The Gables, Bannister Green, Felsted, Dunmow, Essex CM6 3NF

- 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 Keith Francis against the decision of Uttlesford District Council.
 - The application Ref UTT/16/2058/HHF was refused by notice dated 14 September 2016.
 - The development proposed is the erection of a double garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues to be:

the effect of the proposal on the character and appearance of the surrounding area; and

the effect of the proposal on the setting of Witneys, a Grade II listed building.

Reasons

Character and Appearance

3. The appeal site lies within a primarily residential area within the village. Properties are of individual design and on this side of the road they are situated behind front gardens on a loosely defined building line. This creates a uniformity of layout and a verdant character and appearance to the frontages in this part of the streetscene. The nearby village green makes a significant contribution to the verdant character and appearance of the surrounding area.
 4. The proposed garage would be situated in the front garden area behind existing mature hedging. I appreciate that the hedging would provide some screening. Nevertheless, the upper part would be visible above the hedging, across neighbouring property and from the road. In addition, it would be visible above hedging from part of the village green.
 5. From my observations, due to the position and scale of the proposed garage and in particular its forward detached siting, I consider that it would appear as an unacceptably incongruous addition to the streetscene. It would be out of character with the overriding pattern of development in the immediate locality
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on this side of the road and appear as an unacceptably prominent building in the streetscene.

6. For the above reasons, I conclude on this matter that the proposal would have an adverse effect on the character and appearance of the surrounding area.

Listed Building Setting

7. The *Planning (Listed Buildings and Conservation Areas) Act 1990* imposes duties requiring special regard to be had to the desirability, at Section 16(2), of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
8. The National Planning Policy Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
9. Witneys is a Grade II listed building situated adjacent to the village green. This is a designated heritage asset. I consider the setting of this building to be its immediate gardens and the village green. The proposed garage would be partially visible above existing hedging from part of the village green, but would not be visible from Witney's itself.
10. There are a number of positions on and across the village green where the proposed garage and Witneys would be within the same view. In this context and as the village green is part of the setting of Witneys, I consider that the proposal would not preserve the setting of this listed building, but this would be less than substantial harm as set out in the Framework.
11. The proposal would provide garaging. This would have only limited wider public benefit as on-site parking is already available. I have attributed considerable importance and weight to the duty and the presumptive desirability of preserving the setting of the listed building, which I do not consider, for the reasons stated above, is outweighed by any benefits of the proposal. In particular, having regard to the Framework I find for the above reasons that the harm is not outweighed by any public benefit.

Conclusion

12. In reaching my conclusion, I have had regard to all matters raised. I have found that the proposal would have an adverse effect on the character and appearance of the surrounding area and the setting of a Grade II listed building. Thus, the proposal would be contrary to saved Policies S3, GEN2 and ENV2 in the Uttlesford Local Plan (2005), where they seek to ensure that new development is compatible with surrounding buildings and does not adversely affect the setting of a listed building.
13. I consider that the policies referred to above are broadly in accordance with the National Planning Policy Framework as far as they meet the Framework's core principles; particularly that planning should be taking account of the different roles and character of an area; should be seeking to ensure high quality design; and seeking to conserve heritage assets in a manner appropriate to their significance.

J L Cheesley INSPECTOR