
Appeal Decision

Site visit made on 13 March 2017

by Graham Chamberlain BA MSc MRTPI

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

Decision date: 17th March 2017

Appeal Ref: APP/C1570/W/16/3165287

Orchard House, Merks Hill, Great Dunmow, Essex CM6 3BD

- 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 & Mrs Clarke against the decision of Uttlesford District Council.
 - The application Ref UTT/16/2697/FUL, dated 24 August 2016, was refused by notice dated 12 December 2016.
 - The development proposed is the demolition of the existing dwelling and the erection of a replacement dwelling, including garaging.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling and the erection of a replacement dwelling, including garaging at Orchard House, Merks Hill, Great Dunmow, Essex CM6 3BD, in accordance with the terms of the application, Ref: UTT/16/2697, dated 24 August 2016, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development has been taken from the Council's decision notice, which was replicated in the appellant's appeal form, as this more completely describes the proposed development.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the countryside.

Reasons

4. The appeal site encompasses a modest detached bungalow accessed off a private road that leads to Merks Hall. The private road is also a public footpath and therefore the appeal site is clearly visible from public vantage points along this route. The existing bungalow sits in a shallow wooded valley and to its immediate east is an orchard, which is a striking landscape feature.
 5. Although the existing property is flanked by woodland and an orchard it is nevertheless viewed in the context of other structures, even though they are more than tens of metres away. When approaching the appeal site from the east it is possible to see the large and sprawling property that replaced Merks Hill Cottages as it is on higher ground. This property is large and prominent with a suburban character due to the boundary walling and large forecourt.
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6. From the slope to the west of the appeal site it is possible to see the existing bungalow in the context of Merks Hall and the large barns to the rear of Farmhouse Cottage. Moreover, from the western approach to the appeal site the existing bungalow is seen against the backdrop of Farmhouse Cottage, a modest and attractive red brick cottage. The Council has nevertheless approved its replacement with a much larger structure.
7. As a consequence of recent approvals the setting of the appeal site has significantly evolved and this is neatly summarised in the landscape report¹ submitted by the appellants, which states that *'any notion of this driveway and estate being a preserve of a quaint rural scene, with charming cottages dotted along it, has been compromised. With all the subservient properties along the driveway having been redeveloped or with planning permission for replacement with large modern houses any notion of a shared heritage of the properties on Merks Hill estate has now been completely lost'*. It is within the context of recent approvals that the appeal scheme must be considered.
8. The appeal scheme would result in a considerable uplift in the scale of built development within the appeal site. In addition to the extensive scale of the proposed dwelling the frontage would be given over to a large driveway and a cart lodge erected in the front garden close to the front and side boundaries of the appeal site. This would alter the immediate setting of the appeal site from rural to more suburban character.
9. Nevertheless, the appeal scheme would have a similar scale to the new dwelling to the west as well as the approved dwelling and barns to the east. The proposed dwelling would also be located in a central position in the plot so would not appear cramped or over scaled. Moreover, although the dwelling would be arranged over three floors, the top floor would be in the roof with little overt indication it is there, save for a small number of roof lights. Additionally, the overall massing would be broken up into a number of elements. As such, the scale of the proposed dwelling would respond to that of existing and approved dwellings as well as to the size of the appeal site. It would not therefore, appear as a discordant intrusion into the area.
10. The existing property is a bungalow which would be replaced with a three storey house (with the upper floor in the roof) as a result of the appeal scheme. However, this would not be a determinative point against the proposal as saved Policy H7 of the Uttlesford Local Plan 2005 (LP) requires an assessment relative to neighbouring buildings rather than the original property. As such, whilst the proposal would clearly be out of scale with the existing bungalow it would not be out of scale with nearby buildings.
11. The appeal site's location in a small valley and within a woodland setting would ensure the visual envelope of the proposed building would be very limited. The vernacular appearance of the dwelling would root the property in its rural context as would the use of high quality materials. The Council have suggested that this approach would be an improvement on both the replacement dwelling at Merks Hill Cottages and Farm Cottage and that the existing bungalow is of little architectural merit. These are conclusions I share.
12. In this respect, the proposal would improve its context. There would also be ample space within the plot to provide a robust landscaping scheme to soften

¹ Landscape and Visual Issues, orchard House, Merks Hill, Great Dunmow, Replacement Dwelling – Nigel Cowlin

the suburbanising effect of the proposed dwelling, including the extensive driveway. As a consequence, I am satisfied these aspects of the proposal would protect the countryside setting subject to appropriate planning conditions. A further point in favour of the proposal is that the cart lodge has been reduced in scale relative to the extant approval (UTT/15/1656/FUL).

13. The appellants have referred to a number of other large replacement dwellings approved throughout the district and the Council have not explained whether there are any differences between these and the appeal scheme. Like applications should be considered in a like manner and therefore I afford this point some limited weight. The appellants have also suggested that they could undertake extensive alterations to the existing bungalow by exercising their permitted development right. However, there is nothing before me to suggest they would actually pursue such a course of action and that this is anything other than a hypothetical fall-back position. As such, this matter accrues only very limited weight as a point in favour of the proposal.
14. Taking the above points together, I conclude that the proposal would not harm the character and appearance of the countryside. Thus, the appeal scheme would adhere to saved Policies H7 and S7 of the Uttlesford Local Plan 2005, supported by Supplementary Planning Document - Replacement Dwellings 2006. These policies seek, in part, to protect the character and setting of the countryside by requiring replacement dwellings to be in scale and character with neighbouring properties as well as having a location, appearance and scheme of landscaping that protects or enhances the countryside. These aims are broadly consistent with Paragraph 17 of the National Planning Policy Framework and can therefore be afforded significant weight.

Conditions

15. I have had regard to the advice in the Planning Practice Guide and the list of conditions suggested by the Council. In the interests of safeguarding the rural character and appearance of the area and biodiversity it is necessary for the development to be implemented in accordance with an approved scheme of hard and soft landscaping and for the existing bungalow to be demolished. Furthermore, although not listed by the Council it is necessary for similar reasons for the proposal to be implemented in accordance with the approved drawings and for external finishing materials to be approved.
16. To ensure compliance with the development plan it is necessary to secure compliance with M4(2) of the Building Regulations. I have removed any reference to the conditions being pre commencement conditions as this has not been justified by the Council.

Conclusion

17. For the reasons given above I conclude the appeal should be allowed.

Graham Chamberlain
INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall commence before the expiration of 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans/drawings: 475/01A, 475/02A and 475 x 04
- 3) Before they are erected, applied or used details of the external finishing materials of the dwelling hereby approved shall be submitted to an approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approve details.
- 4) Before the development is first occupied 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 [earthworks to be carried out]
 - means of enclosure
 - car parking layout
 - vehicle and pedestrian access and circulation areas
 - hard surfacing, other hard landscape features and materials
 - existing trees, hedges or other soft features to be retained
 - planting plans, including specifications of species, sizes, planting centres, number and percentage mix
 - details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
 - details of siting and timing of all construction activities to avoid harm to all nature conservation features
 - location of service runs
 - management and maintenance details
- 5) All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.
- 6) The existing dwelling shall be demolished and all the materials arising from such demolition shall be completely removed from the site within one month of the completion of the replacement dwelling hereby permitted.
- 7) The dwelling hereby approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

