

Appeal Decision

Site visit made on 28 March 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 31 March 2017

Appeal Ref: APP/C1570/W/16/3165787

The Cedars, Old Mead Lane, Henham CM22 6JJ

- 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 C Burbridge against the decision of Uttlesford District Council.
 - The application Ref UTT/16/2400/FUL, dated 19 August 2016, was refused by notice dated 11 November 2016.
 - The development proposed is removal of existing dwelling, garages and outbuildings and replacement with new oak framed dwelling and garage.
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Decision

1. The appeal is allowed and planning permission is granted for removal of existing dwelling, garages and outbuildings and replacement with new oak framed dwelling and garage at The Cedars, Old Mead Lane, Henham CM22 6JJ in accordance with the terms of the application, Ref UTT/16/2400/FUL, dated 19 August 2016, subject to the conditions set out in the Schedule attached to this decision:

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. Old Mead Lane is a narrow rural lane characterised by mainly large detached properties set in spacious plots mainly with mature planting and trees. The dwellings in the area are of a variety of styles finished in a range of different materials. Thus, the area has a verdant, spacious and varied character and appearance.
 4. It is contested whether or not the Council can demonstrate a five year supply within the terms of paragraph 47 of the National Planning Policy Framework (the Framework). However, saved Policies H7, S7 and GEN2 of the Uttlesford Local Plan (2005) (LP) encourage housing development provided that amongst other things, the proposed development is compatible with its surroundings. Thus these policies are not directly restrictive of housing development and instead they seek to ensure good design and in this regard are consistent with the good design aims of paragraphs 56 to 66 of the Framework.
 5. Although the proposed dwelling would be relatively large it would not be significantly larger than many of the other dwellings on Old Mead Lane. Furthermore, it would be positioned in a relatively large plot with a large amount of private outdoor space around it. I acknowledge that the proposed
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dwelling would be taller than the immediate neighbouring dwellings and would be slightly elevated from Old Mead Lane. However, there would be significant space between the proposed dwelling and the neighbouring properties, such that the variation in height would not appear out of place in an area where the buildings are of a varied size, character and appearance and set in spacious plots.

6. Moreover, the appeal site has relatively thick hedging along its boundaries and is scattered with a number of trees, many of which would be retained. These features together with additional landscaping and trees on neighbouring land would soften the impact of the proposed development and assist to blend it into its countryside setting.
7. For these reasons, I find the proposed development would not harm the verdant, spacious and varied character and appearance of the area or the countryside. Thus, it would accord with saved Policies H7, S7 and GEN2 of the LP and the Replacement Dwellings Supplementary Planning Document (2006). These policies taken together, seek to ensure good design, protect the character of the countryside and ensure new development is compatible with existing development.

Conditions

8. The conditions imposed are those which have been suggested by the Council but with some variation in the interest of clarity and precision having regard to the advice on imposing conditions in the Framework and the Planning Practice Guidance.
9. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty. Furthermore, as requested by the Council I have also imposed a condition which requires hard and soft landscaping to be agreed in the interests of safeguarding the character and appearance of the area. However, for the same reasons and for the avoidance of doubt I have amended the suggested condition to require details of the materials to be used on the external surfaces of the building to be agreed as well.
10. As requested by the Council, I have also imposed a condition to ensure the approved dwelling is accessible and adaptable. However, as the proposed dwelling would be built in the same place as the existing dwelling, I do not consider a condition is necessary which requires the demolition and removal of the existing dwelling as the approved scheme could not be implemented without such.

Conclusion

11. For the reasons given above, the proposal would accord with the development plan and thus having had regard to all other matters raised I conclude that the appeal should be allowed.

L Fleming

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Dwelling Elevations Drawing No 01 Revision E, Plans of Proposed Dwelling Drawing No 02 Revision D, Garage Floor Plans & Elevations Drawing No 03 Revision C, Existing Dwelling Plans Drawing No 04, Existing Dwelling Elevations Drawing No 05, Existing Outbuildings Plans and Elevations Drawing No 06, Existing Garages Drawing No 07, Location Plan Drawing No 08 Revision A, Existing Site Plan Drawing No 09 Revision A, Proposed Site Plan Drawing No 10 Revision B, Partial Proposed Site Plan Drawing No 11 Revision B and Site Sections Drawing No 12
- 3) Prior to the erection of the development hereby approved (not including footings and foundations) full details of the materials to be used in the construction of external surfaces of the buildings hereby permitted shall together with details of both hard and soft landscape works be submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials and in accordance with the approved hard and soft landscaping works. Details of hard and soft landscaping works shall include:-
 - i. proposed finished levels or contours;
 - ii. means of enclosure;
 - iii. car parking layouts;
 - iv. other vehicle and pedestrian access and circulation areas;
 - v. hard surfacing materials;
 - vi. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.);
 - vii. proposed and existing functional services above and below ground e.g. drainage power,
 - viii. communications cables, pipelines etc. indicating lines, manholes, supports.);
 - ix. retained historic landscape features and proposals for restoration, where relevant.

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.
- 4) 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.

- 5) The dwelling hereby approved shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

END OF SCHEDULE