

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: 12 April 2017

Appeal Ref: APP/C1570/W/16/3161001

**Land North of Batholemew Close, Batholomew Close, Great Chesterford
CB10 1QA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant subject to conditions of consent, agreement or approval to details required by a condition of outline planning permission.
 - The appeal is made by Mrs Ulrike Maccariello (Hastoe Mr Group and Messrs A and M Hamilton) against the decision of Uttlesford District Council.
 - The application Ref UTT/16/1247/DFO, dated 19 April 2016, sought approval of details pursuant to condition No 1 of outline planning permission Ref UTT/14/0425/OP. granted on 16 October 2014.
 - The development proposed is residential development of up to 14 dwellings
 - The details for which approval is sought are the construction of 12 new dwellings, access, layout, scale, landscaping and appearance.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the living conditions of the occupants of the dwellings proposed on Plots 8 and 9 of the proposed development with particular regard to privacy and outlook;
 - the safety and convenience of users of the adjacent highway network.

Reasons

Living conditions

3. The appeal site is a broadly rectangular area of land between dwellings on Bartholomew Close, Stanley Close and The Willows.
 4. The dwellings proposed on Plots 8 and 9 would be a pair of one and half storey semi-detached properties. The rear elevations of these dwellings would face the rear elevations of existing two storey detached dwellings on The Willows.
 5. I acknowledge the existing hedging along the appeal site boundary with The Willows and note that the drawings suggest this would be retained, trimmed and reinforced. However, the dwellings proposed on Plots 8 and 9 would have shallow rear gardens and the rear elevations of the neighbouring dwellings on The Willows are also set a short distance from their boundary with the appeal site.
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6. Due to the relatively limited separation distances between the existing dwellings on The Willows and the proposed dwellings on Plots 8 and 9, the rear gardens of Plots 8 and 9 would be overlooked by the dwellings on The Willows.
7. Furthermore, due to the proposed shallow rear gardens and proximity of the dwellings on The Willows, views from the ground floor windows of the dwellings proposed on Plots 8 and 9 towards hedging and the tall two storey dwellings would result in a sense of enclosure which would be overbearing.
8. In reaching these conclusions I acknowledge that the appeal site has outline planning permission for 14 dwellings whereas the appeal details seek approval for 12 dwellings. However, for the reasons given, irrespective of the number of dwellings, I find the proposed development would result in harmful living conditions for the occupants of the dwellings proposed on Plots 8 and 9 with particular regard to privacy and outlook.
9. Therefore the proposal would be in conflict with saved Policy GEN2 of the Uttlesford Local Plan (2005) (LP). This seeks to ensure good design and the reasonable occupation and enjoyment of residential property.

Highway Safety

10. I have noted the comments made by the Council and local residents that an alternative vehicle access through Stanley Close would be safer than the vehicle access proposed. However, it falls to me to determine the appeal scheme on its planning merits irrespective of whether or not an alternative access arrangement which is not part of the appeal scheme would be more preferable.
11. The proposed access and route to Jacksons Lane would be through residential streets with footpaths to both sides along the majority of the length of the route and where the dwellings are set back from the road mainly with off-street parking. The proposal would inevitably increase vehicle movements along this route. I acknowledge that on-street parking is unrestricted and thus vehicles park on-street. I also note that the vehicle carriageway varies in width and parts of it are relatively narrow at the point of access and along the length of the route.
12. However, I note that the Highways Authority has not raised any objections to the proposed development subject to the imposition of a number of planning conditions including requiring the measures set out in a Construction Method Statement are adhered to.
13. Furthermore, evidenced by the appellant's Transport Statement I am satisfied that all vehicles including refuse collection and construction vehicles would be able to pass through the proposed access and through the residential area. I note that on-street parking and the narrow carriageway may limit the ability for vehicles to pass side by side. However, this would have the effect of slowing traffic movements and, subject to drivers exercising appropriate consideration and caution, it should enable vehicles to pass through the proposed access route without any underlying need to mount the footway.
14. Whilst a number of photographs show vehicles either parked partly on the footways or mounting the footways in the area to undertake manoeuvres, this does not by itself convincingly demonstrate that the existing residential streets

along the proposed access route are unsafe or that the movements generated by an additional 12 dwellings would make them unsafe.

15. That said, overall I find the proposed development would not have a material adverse effect on the safety of the other road users including pedestrians and cyclists and thus would not compromise the safety and convenience of users of the adjacent highway network.
16. Therefore, in this regard the proposed development would accord with saved Policy GEN1 of the LP which seeks to ensure new development is served by a safe access. For the same reasons it would also accord with Paragraph 32 of the National Planning Policy Framework (the Framework), the Manual for Streets (2007) and the Essex Design Guide.

Other Matters

17. I have noted the appellant's comments about 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) and the related example appeal decision¹. However, saved Policies GEN1 and GEN2 of the LP encourage housing development provided that amongst other things, the proposed development results in the reasonable occupation and enjoyment of dwellings and does not compromise highway safety. Thus, they are not directly restrictive of housing development and instead they seek to ensure good design and sustainable transport consistent with the aims of the Framework.
18. The appeal adjoins the Great Chesterford Conservation Area (CA). However, the Council have not raised any concerns with regard to the effect of the proposed development on such. I find no reason to question this and I am satisfied that had I been minded to allow the appeal the setting and thus the character and appearance of the CA would be preserved.
19. I also note the appeal scheme would provide new homes in a location where services and employment can be easily accessed which benefits from reasonable public transport. However, these matters or any others raised do not outweigh the harm I have identified.

Conclusion

20. For the reasons set out above, whilst I have found no harm in terms of highway safety I have found harm to the living conditions of the occupants of the proposed development. Thus on balance it would be in conflict with the development plan and therefore with regard to all other matters raised, I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR

¹ Appeal Decision Reference APP/W1525/W/15/3121603