

Appeal Decision

Site visit made on 9 May 2017

by Graham Wyatt BA (Hons) MRTPI

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

Decision date: 19th May 2017

Appeal Ref: APP/C1570/W/17/3170020

**Land to the rear of 8 The Elms, Great Chesterford, Saffron Walden
CB10 1QD**

- 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 C Leckey against the decision of Uttlesford District Council.
 - The application Ref UTT/16/1478/FUL, dated 23 May 2016, was refused by notice dated 24 October 2016.
 - The development proposed is the erection of a dwelling and access to highway.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The address for the site is taken from the appeal form and the Council's decision notice which refers to the site as 'Land to the rear of 8 The Elms'.

Main Issues

3. The main issues in this appeal are:
 - The effect of the development on the character and appearance of the area.
 - The effect of the development on the living conditions of future occupiers of the development and the living conditions of the occupiers of 8 The Elms with specific regard to outlook.

Reasons

Character and Appearance

4. The appeal site is situated towards the end of the rear garden to No. 8. The rear of the site has been separated from the remainder of the garden by a low brick wall with piers and wooden trellis between. A large storage building sits on the rear boundary.
5. The proposed dwelling would be an 'L' shaped single storey building that would be constructed of brick and painted timber under a tiled roof. As one enters the site from the turning head the building would be situated to the rear of the site with parking for 2 cars and a paved courtyard to the front.

6. The Elms and surrounding area is characterised mainly by bungalows and has a pleasing sense of rhythm and a degree of uniformity, created by the similar appearance and layout of the buildings. Two storey dwellings are apparent in the wider area and at the recent development adjoining Four Acres.
7. Given the depth and size of the site, the proposed dwelling would be positioned very close to the rear boundary with limited space about it. The introduction of a dwelling on the site would appear incongruous and cramped when compared to other dwellings in the area. Moreover, the reduction in garden area for the main dwelling further erodes the spaciousness of the site, resulting in material harm to the character and appearance of the area.
8. On the first main issue I conclude that the proposal would have an unacceptably harmful effect on the character and appearance of the area. The proposal would therefore be in conflict with Policies H3 and GEN2 of the Uttlesford Local Plan adopted in 2005 (ULP) which seek, among other things, to ensure that development proposals are compatible with the character of the area.

Living Conditions

9. The proposed dwelling would be sited very close to its shared boundary with bedroom and bathroom windows facing a fence. This would result in limited access to light and outlook for these areas. Moreover, the development provides only a limited amount of private amenity space in the form of a paved courtyard which would be sited adjacent to the proposed parking spaces. I find this to be an unacceptable form of development that would severely impact on the living conditions of future occupiers.
10. In addition, the reduction in the garden area and the proximity of the rear elevation of the host property to the proposed dwelling would have a detrimental impact on the outlook of its occupiers. This would result in material harm to their living conditions.
11. On the second main issue I conclude that the proposal would have an unacceptably harmful impact on the outlook of future occupiers of the proposed dwelling and the occupiers of the host dwelling. The proposal is therefore in conflict with Policies H4 and GEN2 of the ULP which seek, among other things, to ensure that development proposals do not have a materially adverse impact on living conditions of future and existing occupiers.

Other Matters

12. The appellants directed me to view a recent development adjacent to Four Acres which is very close to the site. This development creates a sense of place and responds to local distinctiveness with its use of contrasting materials, hard and soft landscaping and the design and layout of the dwellings. The development also has a pleasing rhythm to the streetscape which is reinforced by its spaciousness and is quite different to the proposed development at the appeal site.
13. I also viewed the development at Weldon Gap, Rose Lane, Great Chesterford. However, the site and streetscape are markedly different to that at the appeal site with a variety of house types and sizes. I do not find this development directly comparable to the appeal before me.

14. The appellants also provided a recent appeal decision at Saffron Walden (APP/C1570/W/16/3145333), which I also had the opportunity to visit. The inspector for this appeal stated that the proposed dwelling would be compatible with the character of the area. Moreover, the dwelling retained a degree of spaciousness about it which is quite different to the appeal before me.
15. I have taken into account the Essex Design Guide (2005) and that in some circumstances smaller courtyard style amenity areas may be acceptable. However, this does not outweigh the harm I have identified to the character and appearance of the area.
16. I appreciate that the design seeks to reflect the local vernacular and that suitable materials could be employed. I acknowledge that the proposal would contribute to the overall provision of smaller dwellings in the district and seeks to make more efficient use of under used land within a sustainable location. However, these benefits, and any other material consideration that has been advanced, do not outweigh the harm and conflict with policy that I have identified.

Conclusion

17. I have found that the proposed dwelling would cause unacceptable harm to the character and appearance of the area and the living conditions of future and adjoining occupiers. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Graham Wyatt

INSPECTOR