



Appeal Decision

Site visit made on 16 October 2017

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 26th October 2017

Appeal Ref: APP/C1570/W/17/3180104

Draytons Hill Cottage, Royston Road, Wendons Ambo, Essex CB11 4JX

- 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 Turnwood Ltd against the decision of Uttlesford District Council.
 - The application Ref UTT/17/0366/FUL, dated 9 February 2017, was refused by notice dated 21 April 2017.
 - The development proposed is the erection of two detached 4 x bedroom residential dwellings along with access, car parking, associated landscaping and new boundary wall on Royston Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposed development on:
1) The character and appearance of the area including the Wendons Ambo Conservation Area (CA); and 2) Highway safety, with particular reference to parking.

Reasons

3. The appeal site encompasses part of the garden of Drayton Hill Cottage and currently includes mature and semi mature trees, vegetable plots, ornamental planting and areas of lawn. The appeal site is on higher land than both Royston Road and Drayton Hill Cottage. It is screened from Royston Road by an attractive flint wall, which returns to define the appeal site from the remaining section of the garden serving Drayton Hill Cottage, and a mature hedge set on top of a bank. The hedge and brick wall are attractive features within the street scene of Royston Road.
4. Wendons Ambo is an attractive village broadly located between the M11 and the B1383. The older part of the village is a designated conservation area and this is centred on the church. In more recent times the village appears to have grown in the direction of Audley End Station. The village is distinguished by the attractive vernacular architecture, including colour washed properties and locally distinctive materials such as flint. The village also has a verdant layout with tree planting and hedges along its streets.
5. The appeal scheme is for the erection of two large detached dwellings positioned to face Royston Road. The dwellings would be positioned in line with High Banks House and set back from the road behind parking forecourts and a

- garage. The existing hedge and wall along Royston Road would be removed, rebuilt and replanted behind the visibility splays of the new vehicular access.
6. The style of the proposed houses alongside the material pallet would reflect the local vernacular. Nevertheless, although stepped down the houses would fail to harmonise with the more modest vertical scale of nearby period properties including Drayton Hill Cottage and Drayton Farm Cottages. An impact that would be accentuated by the dwellings position on elevated ground. High Banks House is a tall structure but this is very well screened by mature landscaping and it is positioned in a large plot. Its presence does not justify the scale of the appeal scheme.
 7. The plots would also be uncharacteristically narrow. This would afford the houses an outward appearance of being too large for the available space and therefore squeezed in. The relatively close proximity of the dwellings to the respective plot boundaries, the position of the garage in the front garden and the proximity of the houses to one another are symptoms of what would be a comparatively cramped and discordant layout. These matters alone would result in a development that significantly harmed the character and appearance of the area.
 8. The significant harm I have identified in the preceding paragraphs would be compounded by the removal of the hedge and brick wall. This would harmfully erode the existing sense of enclosure currently evident along Royston Road outside of the appeal site. The hedge would be replanted but this would take time to mature. Moreover, the vehicular access would provide views into the development. This alongside the height of the land and the discordantly tall proportions of the proposed houses would diminish the effectiveness of the proposed hedge as a measure intended to soften the development in the street scene. The existing brick and flint wall is an attractive and characterful feature in the street scene. Its replacement would not have the patina of age and would have a different, stepped design. This would be a retrograde step that adds to the overall body of harm I have identified.
 9. The proposed dwellings would be located outside the CA but they would be harmfully prominent in views from Royston Road in both directions in spite of their position set back from the edge of the road. The impact would be relatively localised and therefore I consider the harm would be less than substantial within the meaning of the National Planning Policy Framework.
 10. In accordance with Paragraph 134 of the Framework it is necessary to weigh the less than substantial harm of the proposal against its public benefits. As a public benefit, the proposal could support the local economy through construction jobs and the circulation of funds. It would also boost housing supply and choice. The development may also provide patrons for local services. However, the scale of the development is small and therefore the benefits would be modest.
 11. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. In this context the benefits from delivering two houses identified above would not be a public benefit of sufficient force to outweigh the significant harm I have identified.

12. This would consequently result in a conflict with Paragraph 132 of the National Planning Policy Framework because the harm to the CA would not have a clear and convincing justification and the Framework requires great weight to be given to the conservation of designated heritage assets.
13. I therefore conclude that the proposal would harm the character and appearance of the area. It would also fail to preserve or enhance the character or appearance of the CA. The proposal is therefore in conflict with Policies GEN2 and ENV1 of the Uttlesford Local Plan 2005¹ (LP), which seeks to secure developments that are compatible with their surroundings and preserve or enhance the character or appearance of conservations areas. These policies are consistent with Paragraphs 17, 58 and Section 12 of the Framework.

Highway safety

14. The Council have suggested that in order to adhere to the relevant parking standard, which is a requirement of Policy GEN8 of the LP, and prevent on street parking in Royston Road, it is necessary for each of the properties to have three off road parking spaces. However, the appellant has suggested that this requirement is based on parking standards that have now been superseded. The Council have not disputed this. As such, and in order to adhere with the most up to date parking standard, it is necessary for each of the properties to have two off road parking spaces.
15. The appeal scheme drawings demonstrate that each of the properties would have at least two off road parking spaces with ample manoeuvring space to enable cars to exit the site in a forward gear. At 5.4 metres, the length of the garage at Plot 1 would not meet the dimensions set out in the parking standards of 7 metres. However, it is slightly wider at 3.4 metres (as opposed to a requirement of 3m). As such, it has been suggested that the overall shortfall would be in the region of 0.48 square metres. The Council have not submitted substantive evidence to suggest this would be a material deficit that would prevent the use of the garage for parking and storage.
16. I therefore conclude that the proposal would provide sufficient off road parking and therefore it would be unnecessary for the future occupants to regularly park in Royston Road, which would otherwise cause an obstruction to the detriment of highway safety. Thus, the proposal adheres to Policy GEN8 of the LP.

Other Matters

17. Various other concerns have been raised by interested parties, which I have noted. However, given my findings above it has not been necessary for me to address these further as they would not alter the outcome of the appeal.
18. It has been suggested that the Council may not currently be able to demonstrate a five year housing land supply. In such circumstances the Council's policies for the supply of housing are out of date and Paragraph 14 of the Framework is engaged. This states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

¹ The Council have also referred to Policy S3 but it is not readily apparent to me what the alleged conflict with this policy is that the Council are suggesting.

19. As the proposal would harm the CA and this harm is not outweighed by public benefits, the Framework indicates the development should be restricted. As such the tilted balance in the Framework does not apply in this instance.

Conclusion

20. The appeal scheme would provide sufficient off road parking but this does not outweigh the harm I have identified to the character and appearance of the area, including the CA. The proposal would therefore be contrary to the development plan taken as a whole and material considerations do not indicate planning permission should be forthcoming in spite of this. Accordingly, the proposal is not sustainable development and for this reason, the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR