



Appeal Decision

Site visit made on 10 September 2019

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2019

Appeal Ref: APP/C1570/D/19/3229783

Sundown, Cambridge Road, Ugley CM22 6HZ

- 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 Mrs Sian Sherlock-Thomas against the decision of Uttlesford District Council.
 - The application Ref UTT/19/0326/HHF, dated 20 January 2019, was refused by notice dated 12 April 2019.
 - The development proposed is erection of ancillary outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for erection of ancillary outbuilding at Sundown, Cambridge Road, Ugley CM22 6HZ in accordance with the terms of the application, Ref UTT/19/0326/HHF, dated 20 January 2019, subject to the following 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: Location Plan, Block Plan, Drawing Numbers: X01 Rev E, 02 Rev E.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.
 - 4) The detached annexe building hereby permitted shall not be occupied as living accommodation except by a dependant relative (or other member of the household) of the occupants of the dwelling known as Sundown, Cambridge Road, Ugley CM22 6HZ. Except insofar as the building is so used as living accommodation, the building shall not be used other than for purposes incidental to the use of Sundown as a dwellinghouse.

Main Issue

2. The main issue is whether the proposal would be an appropriate form of development in this location, with particular regard to its effect on the character and appearance of the appeal site and surrounding area.

Procedural Matter

3. The Council have, in their Decision Notice, stated that they consider that the proposed development is 'tantamount to creating a new dwelling (rather than

an annexe)' and therefore this matter cannot be considered under a householder planning application. However, I am satisfied from the information provided that the development for which the appellant is seeking permission is that of a residential annexe and, in any case, the Council provided other reasons for its refusal of 'the annexe' under the householder application process. I have therefore considered the appeal on this basis.

Reasons

4. Sundown is a large detached two storey dwelling of recent construction, positioned at the southern end of a substantial sized plot. A detached double garage, with an en-suite bedroom above, lies to the front of the dwelling. A cluster of detached dwellings sit south of the appeal site, some fronting the busy Cambridge Road with others positioned behind. To the north of the site, also fronting the road, are a small number of dwellings. The site is bounded by fencing and hedgerows, with open countryside to the east and woodland on the opposite side of the road to the west.
5. The Council considers that the appeal proposal conflicts with Policies GEN2 and S7 of the adopted Uttlesford Local Plan 2005 (ULP). These policies concern design and development in the countryside respectively. The ULP pre-dates publication of the National Planning Policy Framework 2012 (updated 2019) (the Framework). Whilst the design criteria in GEN2 is in general conformity with the national guidance, the appellants contend, and the Council concur that Policy S7 is not. In this respect my attention has been drawn to an earlier appeal decision¹ at this site. The Inspector in that case determined that the Framework's requirement, under paragraph 170, to 'recognise the intrinsic character and beauty of the countryside', is less restrictive than ULP Policy S7 which requires the countryside to 'be protected for its own sake'.
6. I agree with the reasons previously stated that Policy S7 is not consistent with the Framework. I therefore accept the appellant's assertion that under Policy S7 the proposed development would not, as a matter of principle, be harmful to the countryside. Nevertheless, the form and siting of the proposal has to be considered against the main issue of its effect on the character and appearance of the appeal site and surrounding area, with regard to the requirements of ULP Policy GEN2 and the policies of the Framework in relation to the countryside and the achievement of good design.
7. The Council are concerned that the scale and design of the building would give rise to the creation of a separate residential dwelling, capable of independent occupation from the main dwelling. The Uttlesford Supplementary Planning Document Home Extensions 2005 (SPD) advises that residential annexes for dependent relatives should normally be single storey with one bedroom and should be joined to the main house and share the same garden and access.
8. The current proposal would not comply with all the criteria set out in the SPD by reason of being detached from the main dwelling and having two bedrooms. However, the single storey building would be located immediately north of, and in line with, the existing detached garage, in close proximity to the host dwelling. It would share the same access and driveway as the host property, would be clearly subservient in terms of its physical scale and the scale of

¹ APP/C1570/D/18/3198848 dated 3 July 2018

accommodation contained, and would share utilities. The building would include all the facilities for day-to-day living without the need for reliance on facilities within the main dwelling. Nonetheless, I accept from the information provided that there is intended to be a familial connection between the uses of the two buildings.

9. I acknowledge that the SPD includes a preference for a residential annexe to be in the form of an extension to an existing dwelling and to only have one bedroom. However, in this instance, by reason of the scale of the existing dwelling and the size of the plot within which it is situated, I have found that the proposed detached building's form and use would be as an annexe to the host property as applied for, rather than a separate dwelling. Nevertheless, accepting the Council's concerns, if the appeal were allowed the ancillary nature of the approved use could be secured by imposition of a suitably worded condition which could be reasonably enforced.
10. Turning to the impact of the proposed building on the open character and appearance of the site and surrounding area. The appeal site provides a noticeable gap in built form along the Cambridge Road between dwellings to the south and north of the site. Other than the existing dwelling and its detached garage there are no other permanent structures present. There are a number of trees within the site, mostly to the north and hedgerow and varied fencing marks the boundaries.
11. The proposed building would be positioned somewhat parallel to the Cambridge Road, in line with and to the rear of the existing garage. Due to its single storey height, its distance from the road frontage and the existing boundary treatment, there would be limited views of the appeal building from the surrounding area. Whilst it would have the form and appearance of a small bungalow, positioning the building next to the existing garage, in close proximity to the host dwelling would ensure that the open nature of the plot frontage is preserved.
12. I experienced on my site visit that the Cambridge Road was busy with fast moving traffic with a footpath on only the eastern side. Views of the site are therefore glimpses, either from moving vehicles or when walking alongside the site, where the proposed building would be mostly screened from clear sight. Any views would be in the context of the existing buildings; the appeal building would not be prominent and would not be seen as out of keeping in terms of scale.
13. Accordingly, I conclude that the development would not amount to the creation of a separate dwelling and would not therefore be an inappropriate form of development in its location. Further, the proposal would not result in unacceptable harm to the character and appearance of the appeal site or the surrounding area. Consequently, it would not conflict with the Framework's requirement for recognition of the intrinsic character and beauty of the countryside, or ULP Policy GEN2 and the aims of the SPD, which together seek to ensure good quality design, including compatibility of new development with the scale and layout of surrounding buildings and their settings.

Conditions

14. In addition to standard conditions setting the timescale for commencement of the development and specifying the approved plans for sake of certainty, I

have also imposed a condition requiring use of matching materials for external surfaces and windows in order to ensure a harmonious appearance.

15. I have lastly imposed a condition limiting occupancy to a dependant relative or other member of the household in accordance with what is proposed in this case. This will ensure a more direct relationship between the occupation and use of the building and is necessary as I have judged the development to be acceptable on the basis of its ancillary use. As such, notwithstanding the fact that the accommodation would be 'self-contained' any subsequent material change of the approved use of the building would require planning permission.

Conclusion

16. For the reasons set out above I conclude that the appeal should be allowed.

S Tudhope
Inspector