The Planning Inspectorate

Appeal Decision

Site visit made on 8 October 2019

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2019

Appeal Ref: APP/C1570/W/19/3233251
Park View & Pleasant View, Brick Kiln Road, Rickling Green CB11 3YH

- 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 Michael Payne and Simply Salmon Ltd against the decision of Uttlesford District Council.
- The application Ref UTT/19/0004/FUL, dated 2 January 2019, was refused by notice dated 7 June 2019.
- The development proposed is demolition of two bungalows and a garage. Construction of 2 replacement houses and garages.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of two bungalows and a garage. Construction of 2 replacement houses and garages at Park View & Pleasant View, Brick Kiln Road, Rickling Green CB11 3YH in accordance with the terms of the application, Ref UTT/19/0004/FUL, dated 2 January 2019, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Procedural Matters

2. Reference has been made to the Quendon and Rickling Village Plan and the emerging Draft Newport and Quendon Neighbourhood Plan, which has been subject to public consultation (Regulation 16) and is now subject of examination and therefore I have afforded it moderate weight.

Main Issue

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

Reasons

4. The appeal site comprises two single storey bungalows on separate plots, which are located at the edge of the village of Rickling Green. The bungalows are at the entrance to the village and are raised above the level of the road giving them a slightly elevated position. Beyond the site is open countryside and the site is outside of any defined settlement boundary.

5. The neighbouring dwellings, Sansimian and Rosella appear recently constructed and form part of the mix of modern and historic properties within a small cluster of properties along Brick Kiln Lane. Neighbouring plots are generous

and of a reasonable width at the front and rear. There are a range of building heights within the cluster, ranging from single storey to one and a half storeys and this contributes to the varied architectural character experienced within this part of Rickling Green.

6. The proposed development would have a similar appearance to the neighbouring properties of Sansimian and Rosella and would be constructed in a rural vernacular style with render and clay tile roofs. The dwellings have been designed to be different from each other in order to add some interest to the streetscene.

7. The height of the properties, at one and a half storeys, would be similar to Sansimian and Rosella and would create a consistent form of development along this part of Rickling Green. Both properties would have a single garage, and I consider that these are modest in size and their siting inline with the proposed dwellings would be appropriate and not overly prominent.

8. Although the proposed dwellings would have a larger footprint and height than the bungalows, they would be compatible with the scale and appearance of the surrounding buildings.

9. The Parish Council have referred to the Draft Newport and Quendon Neighbourhood Plan (NP) within their objection, but they have not referenced any specific policies. The Council have provided a copy of policy HA6 of the NP which they consider is relevant to the consideration of the appeal. Policy HA6 states that development will be permitted in the Countryside provided that no material harm is caused to the landscape having regard to a number of criteria.

10. As I have set out above the proposed development is compatible with its surroundings and I do not consider there will be any material harm caused to the landscape and therefore I have not identified any conflict with policy HA6 of the emerging NP.

11. I conclude that the proposed dwellings would not result in harm to the character and appearance of the area and the development would comply with policies GEN2 and H7 of the Uttlesford Local Plan 2005 and policy HA6 of the emerging NP which together seek to ensure that development is of an appropriate design and that replacement dwellings accord with the scale and character of neighbouring properties and would protect and enhance the particular character of the countryside.

Other matters

12. It has been put to me that the development will lead to a loss of bungalows which are in demand in the area, however I have no substantive evidence in respect of housing mix and need. The access and parking arrangements would be satisfactory given the proposal utilises the existing access and there is no increase in the number of dwellings as part of the proposal. Also there is no evidence that highway safety would be compromised.

13. I have had regard to the previous appeal decisions for the same site, APP/C1570/W/18/3197501 which was a proposal for 4 dwellings and APP/C1570/W/18/3197651 for 3 dwellings. However, these were substantially different proposals to the current proposal and are not directly comparable to the one before me

Setting of Listed buildings

14. To the south east of the site are two Grade II listed buildings, Little Mynchens and Kiln Cottage. However the properties of Sansimian and Rosella are sited between the listed buildings and the appeal site. This separation, in combination with the curvature of the road shields the appeal site from those listed properties. The setting of the listed buildings is experienced from the cluster of the historic properties which are located further away from the appeal site. Therefore, having regard to the statutory duty under S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I conclude that the development would not result in harm to the setting of the listed buildings.

Conditions

15. The Council has suggested 7 conditions as part of its original Officer's Report. I have considered these in light of the Planning Practice Guide and the tests of the Framework and where necessary amended them for clarity. In addition to the standard implementation condition it is necessary, for the avoidance of doubt, to define the plans with which the scheme should accord.

16. In the interests of the character and appearance of the area conditions in respect of materials (4), and floor levels (3) and landscaping (5) are necessary. It is also necessary to ensure that the mitigation and enhancement measures outlined within the Extended Phase 1 Habitat Survey (Preliminary Ecological Appraisal) are carried out (6).

17. I have not imposed a condition in relation to the surfacing of the access, as the existing accesses are being utilised and therefore I do not consider this to be necessary. I have also not imposed a condition requiring the development to be in accordance with Building Regulations part M4(2) as I have not been provided with a policy which allows this condition to be imposed. I have had regard to the Accessible Homes and Playspace Supplementary Planning Guidance 2005 however it does not reflect current policy guidance.[1]

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed.

G.Pannell

INSPECTOR

Condition Schedule:

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: MS-5330 (Topographical Survey), MS-53308 (Sheet 1 of 2) Elevations, MS-53308 (Sheet 2 of 2) Elevations, 1631.01 (Existing Location and Block Plan), 1631.02B (Park View Proposed Plans – Plot 2), 1631.03B (Proposed Elevations – Plot 2), 1631.04B (Street Elevations), 1631.06B (Site and Roof Plans as proposed), 1631.07B (Proposed Garage Plans and Elevations plot 1 & 2),

[1] Housing: Optional Technical Standards Paragraph: 007 Reference ID: 56-007-20150327

1631.08B (Pleasant View, Proposed Plans – Plot 1), 1631.09B (Proposed Elevations – Plot 1), 1631.10B (Location and Block Plan as proposed).

3) No development shall take place above slab level until the following information has been submitted to and approved in writing by the local planning authority:
   i) a full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals and floor levels of adjoining buildings;
   ii) full details of the proposed finished floor levels of all buildings and hard landscaped surfaces.

   The development shall be carried out in accordance with the approved details.

4) No development above slab level shall take place until details of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

5) No development shall commence above slab level until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
   i) means of enclosure and retaining structures;
   ii) provision of habitat boxes (bird/bat) on trees, in addition to new planting/hedgerow enhancement as part of the landscaping scheme.
   iii) boundary treatments; including retention of the established native hedgerow on the western boundary of the Pleasant View.
   iv) vehicle parking layouts;
   v) hard surfacing materials;
   vi) lighting, floodlighting and CCTV;
   vii) an implementation programme.

   The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

6) The following mitigation and conservation measures shall be provided in their entirety as set out below:
   i) Any trenches shall be covered over with wooden sheeting at night during the construction phase to protect any radiating mammals.
   ii) Details shall be submitted to and approved in writing by the local planning authority prior to any groundworks taking place, of the timings of clearance, and any maintenance works to trees/hedgerows. The development shall be carried out in accordance with the approved details.
   iii) The established native hedgerow on the western boundary of the Pleasant View shall be protected during the course of development, details of the measures for its protection shall be submitted to and approved in writing by the local planning authority, prior to any groundworks commencing on site and shall be retained for the duration of the construction works.