
Appeal Decision

Site visit made on 8 October 2019

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2019

Appeal Ref: APP/C1570/W/19/3232728

Land East of Weaverhead Lane, Thaxted CM6 2LZ

- 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 Ms Mary Anne McGuiggan against the decision of Uttlesford District Council.
 - The application Ref UTT/18/3530/FUL, dated 24 December 2018, was refused by notice dated 3 April 2019.
 - The development proposed is redevelopment of the site with the demolition of the Old Telephone Exchange and the erection of four terraced dwellings with car park and access.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Although the appeal documents contain discrepancies relating to both the number of bedrooms and parking spaces proposed, the application form and the plans referred to in the Council's decision notice seek the provision of three two-bedroom dwellings and one, one-bedroom dwelling and seven parking spaces. I have considered the appeal on this basis.
3. The Council refer to overlooking of the garden of plot 3 of the proposed development. I consider that this concern relates instead to plot 4.

Main Issues

4. The main issues are the effect of the proposed development on (i) the character and appearance of Weaverhead Lane; (ii) highway safety; (iii) the living conditions of the occupants of 1 The Lees, with regard to outlook and privacy and (iv) whether the proposed development would provide satisfactory living conditions for future occupiers of plot 4, with regard to privacy.

Reasons

Character and appearance

5. The appeal site is an irregular shaped area of land, bounded mostly by close boarded fencing with residential properties beyond. It has a narrow road frontage which widens out approximately 10 metres into the site. The site is overgrown and the Telephone Exchange building referred to in the description of development above, has been demolished. At the time of my visit, views of

the wider site were partially screened from the street by the presence of container style buildings and construction type equipment situated within a fenced area of land, adjacent to the northern side of the site entrance.

6. The surrounding area consists mostly of single and two storey dwellings, in a variety of forms, including detached, semi-detached and terraces. Generally, properties are built up close to the rear of the footways or have only small frontage areas. Parking provision is usually found at the side of dwellings or at the rear, in shared parking areas away from the street.
7. I am aware that the site has extant permission for the erection of two dwellings although I do not know the full details of that proposal. The appellant contends that the appeal scheme is of a similar footprint to that approved and therefore cannot be a cramped form of development. However, the footprint of the building is only one of a number of matters to be taken into consideration in determining the acceptability of development proposals. The appeal scheme seeks the erection of a terrace of four, two storey dwellings, each with accommodation in the roof. The four properties would span almost the entire width of the site, leaving very little space at the sides. This would contrast markedly with the space that is maintained between other surrounding dwellings and the side boundaries of their plots.
8. The number of dwellings proposed, coupled with the unusual shape of the site would lead to a contrived and uncharacteristic site layout. Plot 4 would be staggered to sit forward of the front elevation of plots 1 to 3, with its main entrance positioned in its side elevation, facing the shared turning area in front of the block. This arrangement would allow a rear garden to be provided to this unit. However, because of the shape of the site, the garden boundaries would be at odd angles relative to the dwellings they serve. In addition, the position of the proposed dwellings would result in the site frontage being dedicated to car parking and manoeuvring. I acknowledge that not all the parking area would necessarily be visible from the street, however, parked cars and hardstanding would be the dominant features on view. This would be out of keeping with other developments in the vicinity of the site and would harm the street scene.
9. I therefore conclude that the proposal would result in a cramped form of development that would unacceptably harm the character and appearance of Weaverhead Lane. Consequently, the proposal would conflict with Policies GEN2 and GEN8 of the adopted Uttlesford Local Plan 2005 (ULP) which seek to ensure that new development is of a high standard of design, that is compatible with surrounding buildings and provides parking arrangements which are appropriate for the location. It would also be inconsistent with the National Planning Policy Framework (the Framework) which requires good quality design and new development to make a positive contribution to local character and distinctiveness.

Highway safety

10. The Highway Authority advise that the proposed access would not be wide enough to enable a vehicle to enter the site at the same time as another vehicle leaves. In addition, they advise that the proposed spaces are smaller than required and that the appeal scheme is deficient in respect of the number of parking spaces proposed. I agree with the appellant that other parking is available in close proximity to the site and this could justify a reduction in the

number of spaces required to be provided. However, plot 4 includes a study which could be utilised as a second bedroom without the need for planning permission. Taking this into consideration would further increase the shortfall in parking spaces required.

11. Irrespective of the identified shortfall in parking spaces, it is apparent that two cars would not be able to pass when entering or exiting the site. This would be likely to result in situations where cars would be reversed out onto the highway to the detriment of the safety of pedestrians and other highway users. I also consider that the proposed arrangement of the parking area would be impractical in parking terms. It is evident from the proposed layout that some of the spaces would necessitate several manoeuvres; this would be inconvenient and would be likely to result in users opting to park in other easier to access spaces outside the confines of the site. This could increase pressures for on-street parking to the detriment of the highway and nearby residents.
12. For these reasons I conclude that the proposed development would not provide satisfactory access or car parking arrangements to the detriment of highway safety. Therefore, the proposal would conflict with ULP Policies GEN1 and GEN8 which seek, amongst other matters, to ensure adequate and safe provision for parking and access.

Living Conditions

13. Turning to the impact of the proposed development on the living conditions of the occupiers of 1 The Lees (No 1). The proposed dwellings would be situated to the rear of No 1 and although plot 4 would be in close proximity to part of the rear garden side boundary of this existing property, the appeal building would be positioned several metres back from No 1's rear elevation. Whilst the appeal building would be viewed from the rear of No 1, the separation distance between these properties would not result in harmful enclosure or unacceptable loss of outlook for occupiers of that neighbouring property.
14. In addition, other than the proposed window at ground floor level, plot 4 would have a blank gable end and therefore any overlooking of the rear of No 1 would be from the first floor and dormer windows of plot 4 at the front of the appeal building. Due to the oblique angle between plot 4 and No 1, views toward No 1 would be limited and the level of overlooking generated, in the context of an existing level of overlooking between properties, would not be so significant as to be harmful to the occupiers of that property.
15. With regard to the provision of a private garden for plot 4; its staggered position in relation to its neighbours and the probable erection of boundary fencing would ensure satisfactory levels of privacy for future occupiers. Notwithstanding the contrived shape and its small size in comparison to the other proposed dwellings, the garden would provide adequate space for sitting out, children's play and drying washing, thereby meeting the likely day-to-day needs of its future occupiers. Although there may be some opportunity for casual overlooking from the windows of other nearby neighbours, I do not consider this would be so great as to be unacceptable.
16. For these reasons, I conclude that the proposed development would be acceptable in terms of its effect on the living conditions of the occupiers of 1 The Lees with regard to outlook and privacy; and on the living conditions of

future occupiers of plot 4 of the appeal building in respect of privacy. Consequently, the proposal does not conflict with ULP policy GEN2 where it seeks the protection of residential amenity. However, this does not outweigh my findings in respect of character and appearance and highway safety.

Other Matters

17. Whilst the appeal site is not located within Thaxted Conservation Area (TCA), it is situated adjacent to it. I find that the position of the proposal, set back from Weaverhead Lane, amongst other modern development, would not harm the character or appearance of the TCA.
18. My attention has been drawn to the Thaxted Neighbourhood Plan (NP) which was made on 21 February 2019. The appellant considers the appeal scheme accords with NP Policy TX HD2 by providing one and two-bedroom dwellings. They consider that this factor should weigh heavily in favour of the proposal. Notwithstanding the identified local housing need for this size of dwelling, the weight to be given to compliance with this policy alone does not outweigh the harm I have found as set out above.
19. The appellant has drawn my attention to other developments within the area which they consider offer support to the acceptability of the appeal scheme. However, from the details provided, it is clear that these developments do not represent direct parallels to the appeal proposal. In any case, I have considered this appeal on its own merits.

Planning Balance

20. The Council concedes that it does not have the required 5 year supply of deliverable housing sites. The proposal would make a small contribution to the supply of housing and there would be modest economic and social benefits arising from the construction phase and by the support for local services by future occupiers. I have concluded, however, that it would unacceptably harm the character and appearance of Weaverhead Lane and would be detrimental to highway safety, in conflict with the Framework as well as with development plan policies. These are environmental and social concerns which are sufficiently compelling for me to conclude that the appeal should not succeed.

Conclusion

21. For the above reasons the appeal is dismissed.

S Tudhope
Inspector