
Appeal Decision

Site visit made on 21 January 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th January 2020

Appeal Ref: APP/C1570/D/19/3241486

Halcyon, High Street, Debden, Essex CB11 3LE

- 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 Richard Simmonds against the decision of Uttlesford District Council.
 - The application Ref UTT/19/2009/HHF, dated 12 August 2019, was refused by notice dated 18 October 2019.
 - The development proposed is demolition of precast concrete garage and construction of 3 bay garage with living accommodation over.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development:
 - on the character and appearance of the surrounding area;
 - the living conditions of The Forge with particular regard to daylight and outlook; and
 - on the setting of The Forge, a Grade II Listed Building

Reasons

Character and appearance

3. The area comprises detached dwellings set back from the road with parking areas to the front. There are a number of mature trees along the road frontage, including to the front of the site Horse Chestnuts, which are covered by a Tree Preservation Order. This in combination with the low density of development gives a semi-rural character.
4. The area is characterised by a mix of dwelling styles but generally the properties along this part of the High Street have generous frontages, with vegetation creating a spacious pleasant character.
5. Halcyon is a detached two storey dwelling, set back from the road, and screened by existing landscaping. There is also an electricity substation directly in front of the appeal site. The proposed garage would be positioned to the front of the existing dwelling, along the boundary with The Forge. This would result in the removal of some of the existing vegetation. The garage would have a ridge height of approximately 6m and includes a first floor to provide ancillary living accommodation.

6. I am satisfied that having regard to the size of the plot, that the scale of the garage would not be disproportionate to the host dwelling. However, the introduction of the built form of a detached garage, due to its scale and height, in combination with its position forward of the existing dwelling, would introduce an incongruous and dominant form of development which would be detrimental to the overall character and appearance of the area.
7. By virtue of its position forward of the dwelling, the garage would be visible from the High Street and will appear as an incongruous feature given the lack of other structures of a similar height, located along the road frontage.
8. I have been referred to other examples of garages located in similar frontage positions, including the garage at The Chestnuts. However, I do not have full details of the circumstances that led to these proposals being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal. In any event, the examples that I saw confirmed that such structures do appear prominent within the street scene and are detrimental to the character and appearance of the area.
9. In conclusion, for the reasons given and even having regard to the presence of other garages in the vicinity, overall the proposed development would represent an unduly dominant and highly discordant feature and would have a significant adverse effect on the character and appearance of the appeal site and its surroundings.
10. The development would conflict with policies S3 and GEN2 of the Uttlesford Local Plan 2005 (LP) which seek to ensure developments are of a high quality design which promote the character of the surrounding built environment and are compatible with the settlement's character and countryside setting.

Living conditions

11. The proposed garage would be positioned along the boundary of The Forge and includes an external staircase to access the first floor accommodation. Although there is some screening provided by existing vegetation, from within the appeal site it is possible to see The Forge's single storey garage which is constructed on the boundary and the thatched roof of The Forge beyond.
12. The proposed garage would project beyond the rear elevation of the neighbouring garage and due to its position on the boundary, any existing vegetation would be lost and there would be no opportunity for this to be replaced to provide any further screening.
13. Therefore I consider that as a result of its overall height the garage would have an overbearing impact when viewed from the garden immediately to the rear and in my view that would be harmful to the living conditions of neighbouring residents.
14. The Council have also raised a concern with regard to overshadowing. I consider that given the separation distance between The Forge and the proposed garage and the current level of screening between the two properties, the development would not cause an unacceptable loss of daylight or sunlight in comparison to the existing situation.
15. I therefore conclude on this main issue that the proposed development would cause harm to the living conditions of the occupiers by virtue of outlook,

contrary to policy GEN2 of the LP which seeks to ensure development would not have a materially adverse effect on the reasonable enjoyment and occupation of a residential property.

Setting of Listed Building

16. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications.
17. Adjacent to the appeal site is the Grade II listed, The Forge, a 17th Century timber-framed and plastered building with a hipped thatched roof. It is a substantial traditional property set in a spacious plot positioned relatively close to the appeal building. In my view, the significance of The Forge is derived from its architectural quality. The Forge is opposite other older properties, including one other thatched dwelling but is positioned between two modern properties.
18. The proposed garage, as a result of its height and overall scale and massing would be prominent within the street scene, and would draw attention to the modern buildings within the High Street in stark contrast to The Forge and the traditional buildings on the opposite side of the High Street. In my view this contrast and diversion of attention would harm the significance of The Forge.
19. The development, having regard to its size, scale and massing would encroach upon the setting of the listed building. The proximity of the proposed garage and its overall scale and massing would result in less than substantial harm to the setting of the listed building, The Forge.
20. Paragraph 193 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Given that the proposal would be of a relatively small scale, I find the harm to the setting of the listed building to be less than substantial in this instance but nevertheless of considerable importance and weight.
21. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellant submits that the proposal would provide for their family needs. However, these are private benefits. Therefore, I have identified no public benefit sufficient to outweigh the harm.
22. The proposal would, therefore, fail to preserve or enhance the setting, and thereby the significance of, the designated heritage asset of the Grade II Listed The Forge. It would not accord with the policies of the Framework which seek to conserve and enhance the historic environment. It would be contrary to policy ENV2 of the LP. This policy states that development that adversely affects the setting of a listed building will not be permitted.

Conclusion

23. For the reasons given above I conclude that the appeal should be dismissed.

G. Pannell INSPECTOR