
Appeal Decision

Site visit made on 13 January 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2020

Appeal Ref: APP/C1570/W/19/3237102

17 Farmadine Grove, Saffron Walden CB11 3DR

- 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 Munro-Scott against the decision of Uttlesford District Council.
 - The application Ref UTT/19/1295/FUL, dated 31 May 2019, was refused by notice dated 26 July 2019.
 - The development proposed is erection of 1no. new one-bedroom dwelling and associated parking.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 1no. new one-bedroom dwelling and associated parking at 17 Farmadine Grove, Saffron Walden CB11 3DR in accordance with the terms of the application, Ref UTT/19/1295/FUL, dated 31 May 2019 subject to the conditions set out in the attached schedule.

Procedural Matter

2. The appellant has referred to the emerging Local Plan June 2017 in their submissions. However, I have no information to suggest when the plan is likely to be adopted, and accordingly I have not given it any substantive weight to it in determining this appeal.

Main Issues

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

Reasons

4. Farmadine Grove is a straight road and the appeal site lies at its end. The area is typically characterised by dense residential development on narrow plots, although the neighbouring properties at Nos 17 and 18 Farmadine Grove and Audley House occupy larger plots.
5. The development proposed would be seen within this context. It would be a dwelling of modest scale and set back from the road. While it would reduce the space between 17 Farmadine Grove and Audley House it would be smaller than either of these houses, and of a scale appropriate to the size of the site and in keeping with the density of development in the wider area. It would therefore

not appear as a cramped development that would be harmful to the open appearance of the site, and as a result of its size and limited visibility would result in a very limited impact on the street scene.

6. Having considered the above, and all other relevant points, I conclude that the development proposed would not have a harmful effect on the character and appearance of the site and surrounding area. It would accord with Policies S1, H3 and GEN2 of the Uttlesford Local Plan January 2005 (the LP). Together these policies require, among other things, that development be compatible with the character of the settlement and the scale, form, layout, appearance and materials of surrounding buildings.

Other Matters

7. In determining the application the subject of this appeal the Council did not find unacceptable harm to the living conditions of neighbouring occupiers through loss of light, outlook or any other harm. Having visited the site and seen its relationship to neighbouring properties I see no reason to disagree with this assessment.
8. The Council's parking standards require a total of 3 parking spaces for the existing and proposed house, and 4 are proposed as part of this scheme. With regards to concerns expressed about the safety of the access onto Farmadine Grove, I am satisfied that the site provides adequate space for vehicles leaving the site to do so in forward gear, subject to a suitable site layout. As the appeal site and No 17 are both within the appellant's ownership, and this is a matter of detail that does not require further consultation as interested parties have already given their views, I am satisfied that this can be resolved through a condition.
9. Third parties have stated that a footpath crossing the site and linking Farmadine Grove to Butlers Close has been closed off. However, based on the evidence before me, I note that this was not a public right of way and its closure is not a matter for this appeal.
10. Matters of land ownership have been raised regarding the extent of the appeal site. However, I have no evidence before me to show that the appellant does not own all the land shown within the red line.
11. Any impact from construction of the development proposed to the structural integrity of neighbouring properties is a private matter between owners and not for consideration as part of this appeal.
12. The future development of the host property is not before me as a part of the appeal proposal. It is therefore not a material consideration in my determination of the appeal.

Conditions

13. I have considered the conditions suggested by the Council. Where necessary, and in the interests of conciseness and enforceability, I have altered the suggested conditions to better reflect the relevant parts of the national Planning Practice Guidance.

14. In addition to standard conditions relating to the commencement of development and confirming the approved plans I have included a condition requiring approval of external materials for the development.
15. Notwithstanding the information shown on the approved plans, I have added a condition requiring approval of hard and soft landscaping at the site, including details of the parking and vehicle turning arrangements. This is to ensure that the development is well landscaped and not harmful to the character of the area, and that vehicle access does not impact on the highway.
16. Furthermore, I have added a condition requiring that details of construction access and operation are agreed with the Council prior to construction commencing. This is to prevent obstruction of the highway, given that Farmadine Grove is a narrow road.
17. I have also added a condition requiring that the development be constructed in accordance to an accessible standard in line with the Building Regulations 2010. This is to ensure that the development will be accessible for all users.
18. Finally, I have included a condition requiring the obscured glazing and limited opening of the first-floor window to the north elevation of the dwelling. This is to safeguard the privacy of occupiers of Audley House.
19. It is necessary that the requirements of Conditions 3, 4 and 5 are agreed prior to commencement of the development to ensure an acceptable development in respect of character and appearance of the locality and the living conditions and amenity of neighbouring occupiers.

Conclusion

20. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

M Chalk

INSPECTOR

Schedule of 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: 1838.01, 1838/02, 1838/03, 1838/04, 1838/06, 1838/07 and MS-5671.
- 3) Prior to the commencement of the development details/photos of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.
- 4) Notwithstanding condition 2 no development shall take place until details of all hard and soft landscaping (including planting, boundary treatments, hard surfaces including parking and vehicle turning spaces) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

- 5) Prior to the commencement of the development hereby approved details of loading/unloading, storage of materials and manoeuvring of vehicles within the curtilage of the site, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) The dwelling hereby permitted must be built in accordance with Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.
- 7) The building/extension hereby permitted shall not be occupied until the window at first-floor level in the north elevation has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.