
Appeal Decision

Site visit made on 20 January 2020

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2020

Appeal Ref: APP/C1570/W/19/3239234

Canfield House, High Cross Lane West, Little Canfield, Dunmow CM6 1TD

- 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 Jackson against the decision of Uttlesford District Council.
 - The application Ref UTT/19/0654/FUL, dated 3 March 2019, was refused by notice dated 25 July 2019.
 - The development proposed is 1 no. dwelling with associated landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for 1 no. dwelling with associated landscaping at Canfield House, High Cross Lane West, Little Canfield, Dunmow CM6 1TD in accordance with the terms of the application Ref UTT/19/0654/FUL, dated 3 March 2019, subject to the conditions as set out in Schedule 1 – Conditions.

Preliminary Matters

2. The description on the application form and decision notice referenced a previous permission on the site but the application is not a s73 application. It is a stand-alone application for planning permission. I have therefore changed the description of development to reflect this. The previous approval Ref UTT/18/0622/FUL (the '2018 permission') remains an important material consideration, and I deal with this as appropriate throughout the decision.
3. I have added the relevant drawings from the 2018 permission to the appeal to reflect that the appeal is a stand-alone application. Drawing Ref 107C Street Scene has not been updated to reflect the revised design. This is not essential to understanding the permission and I have therefore withdrawn this drawing from the drawing set. These revisions have not introduced any new information beyond that contained in either the 2018 permission or the refusal the subject of this appeal. No parties have therefore been disadvantaged.
4. The house has been partially constructed and the appeal is therefore partly retrospective. What has been built to-date appears to largely reflect the drawings for the appeal scheme. However, from my visit I note there to be some visible discrepancies. Notwithstanding this, I have determined the appeal proposal on the basis of the drawings submitted.

Main Issue

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

Reasons

6. The site lies in a rural position on the west side of High Cross Lane and comprises part of the garden of Canfield House, a modern 2 and a half storey slate and red brick detached dwelling. This has been sub-divided into a separate plot and a new detached, 3-bedroom house is under-construction. The site is at the southern end of a small cluster of houses set along a country lane. The houses are of differing architectural styles and types, and there is no discernible consistency to the character of the area other than houses set in garden plots.
7. The proposal is substantially the same as the house previously approved under the 2018 permission. The footprint is the same. The bulk and mass is very similar aside from the addition of a first floor element over the southern side projection of the dwelling. However, more extensive glazing of a more modern style with some larger individual expanses of glass is proposed, as well as a Juliet balcony with French door and glass balustrade to Bedroom 1.
8. The appeal is in relation to a new build property. The southern element of the house is therefore not an extension and must be considered as part of the overall architectural approach. Subservience to the 'main' part of the house is therefore a lesser consideration than it would be with an extension to an existing property. In this context, I find that the southern element of the house appears as a comfortable part of the overall architectural composition. It does retain a slight subservience through its lower roof ridge height and narrower footprint which help to break down the overall bulk and mass of the house. This, in particular, adds articulation to the southern elevation.
9. The house is unashamedly modern in its appearance and architectural approach. The proposed glazing, with large expanses of glass, and the Juliette balcony with glazed balustrade, suit this approach. The fenestration design creates clean lines and a pleasing contrast against the elevation materials. The largest new glazed areas, compared to the original permission, are at ground floor level, and in my assessment are successful. The additional first floor windows to the gable ends do not over-dominate those elevations which remain predominantly the timber elevation material. Furthermore, from the submitted drawings and my observations on site, I find the fenestration to be entirely appropriate in the context of the modern design approach of the house as a whole.
10. The overall design of the house is of high quality. It is in an area with a variety of architectural styles and house types. It is therefore not possible to be fully compatible with a prevailing local style or character and the modern design is appropriate in this context. The revised southern element, glazing and Juliette balcony in the appeal scheme are successfully incorporated into the overall design and appearance of the house. It is necessary to control the design detail of the house and the landscaping to ensure this design quality is carried through to the finished product, and this is controlled by Condition 3 and Condition 4.

11. Consequently, I conclude that the proposal protects the character and appearance of the area. As a result, it complies with the relevant parts of Policy GEN2 of the Uttlesford Local Plan 2005 (LP), and Para 127 of the National Planning Policy Framework. Amongst other things, these policies seek to ensure that development is attractive and is compatible with the scale, form, layout, appearance and materials of surrounding buildings.

Other Matters

12. The principle of a dwelling on the site has been established by the 2018 permission and the appeal scheme does not propose any changes that affect this. In terms of detail, the proposed Juliette balcony is proposed on the west elevation overlooking fields, and there would be no harm to living conditions as a result. The revised layout would create more internal space than approved previously, improving the quality of the accommodation for future occupiers.

Conditions

13. I have had regard to the Council's suggested conditions. Where necessary, and in the interests of conciseness and enforceability, I have altered these so as to better reflect the relevant parts of the Planning Practice Guidance.
14. For the reasons set out in paragraph 2 of this Decision, I have assessed the appeal scheme as a new application. As set out in paragraph 7, there are no substantive changes to the 2018 permission other than minor design alterations to the roof and fenestration. I have therefore re-imposed all of the conditions from the 2018 permission which all remain necessary to control the detail of the development, subject to some minor alterations as described below.
15. I have retained Condition 1 (commencement), despite the building works on-site, because it is not clear to me that what has been built matches the submitted drawings.
16. Condition 2 relates to the drawing set from the 2018 permission, as amended to reflect the revised appeal drawings. Drawing Ref 106C Block Plan has not been updated to reflect the revised design. However, the revised elevation drawings do depict, and therefore control, the design of the roofs. The footprint of the building does not change for the appeal scheme, meaning that the landscape area also does not change. Condition 4, Condition 5 and Condition 6 control the detail of the landscaping. Therefore, on balance, I conclude that Drawing Ref 106C can be retained as part of the drawing set.
17. I have adopted the changed trigger to Condition 3 to 'above slab level' to reflect that, notwithstanding any discrepancies between the approved drawings and what has been built on-site, the proposal is partially constructed. I have also adopted the Council's proposed change to the trigger for Condition 4 to 'pre-occupation', for the same reasons as Condition 3.
18. It is necessary that adequate off-street vehicular parking which enables both entry and exit to the highway in a forward gear is provided, and also that the material of the vehicular access is not regularly transferred onto the highway. This is in order to ensure highway safety and the suitable provision of parking for the house. This is controlled by Condition 5 and Condition 6.

19. Condition 7 ensures that the building is constructed to the optional Building Regulations 2010 requirements to be 'accessible and adaptable'. The Council reference Policy GEN2 of the LP and the Accessible Homes and Playspace SPD as justification for this. However, Policy GEN2 is not specific about the need for 'accessible and adaptable' dwellings, and the SPD is not before me. The Council have also reference the Planning Practice Guidance, but the guidance does not specify the use of 'accessible and adaptable' standards unless part of the Development Plan or otherwise justified, neither of which is the case here. Notwithstanding this, the condition was attached to the 2018 permission and nothing about the appeal proposal would materially affect the ability of the appellant to continue to meet this standard. I have therefore decided, on balance, to attach this condition.
20. The Council have requested two additional conditions not present on the 2018 permission (Condition 8 and Condition 9), to restrict the permitted development rights for extensions to the house and for outbuildings. The reason given is to ensure that the development is compatible with the rural character of the area, in accordance with the relevant parts of Policy S7, LP.
21. The differences between the design of the appeal proposal compared to the 2018 permission are not so substantial that they necessitate additional controls over future extensions or outbuildings. I also do not believe that the rural character of the area is at threat from permitted development rights for extensions. However, the house is an attractive architectural composition as it stands and permitted development extensions could harm this. I therefore agree with the Council, albeit for a different reason, that Condition 8 is a necessary and reasonable condition.
22. With regard to the restrictions on outbuildings, I also agree with the Council that the provision of outbuildings, which can be fairly substantial under permitted development rights at up to 50% of the land area around the house, could harm the rural character of the area. As such, Condition 9 is also necessary and reasonable.

Conclusion

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

O S Woodward

INSPECTOR

Schedule 1 – 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: 5252 101C; 5252 102C; Ground floor plan 'proposed amendments to utt/18/0622/ful'; First Floor Plan 'proposed amendments to utt/18/0622/ful'; drawing 5252 amendments 'proposed amendments to utt/18/0622/ful'; 5252 106C.
- 3) Prior to any works above slab level, details of the walls, roof, windows and doors (including samples and/or photographs as appropriate) must be submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved details.
- 4) Prior to first occupation of any dwelling, details of the hard and soft landscaping works including retained features, new planting, hard surfaces and boundary treatment must be submitted to and approved in writing by the local planning authority. All hard and soft landscape works must be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping must 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 must 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 must be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.
- 5) The proposed development shall not be occupied until such time as the vehicle parking area indicated on drawing no. 106 Revision C (Proposed Block Plan) has been provided. The vehicle parking area and associated turning area shall be retained in this form at all times.
- 6) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 7) The dwelling approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.
- 8) Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions and/or roof alterations shall be erected on any elevations of the dwellings hereby permitted.
- 9) Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional outbuildings shall be erected within the curtilage of the dwellings hereby permitted.