



Appeal Decision

Site visit made on 16 March 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2020

Appeal Ref: APP/C1570/D/19/3243491

17 Flitchside Drive, Little Canfield, Essex CM6 4AA

- 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 Ray Atkins against the decision of Uttlesford District Council.
 - The application Ref UTT/19/2559/HHF, dated 7 October 2019, was refused by notice dated 13 December 2019.
 - The development proposed is described as "single storey UPVC conservatory".
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Decision

1. The appeal is allowed and planning permission is granted for a single storey UPVC conservatory at 17 Flitchside Drive, Little Canfield, Essex CM6 4AA in accordance with the terms of the application, Ref UTT/19/2559/HHF, dated 7 October 2019 subject to the following 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: Drawing 1, Drawing 2, Drawing 3, Drawing 4, 1:500 block plan, 1:1250 location plan and untitled layout drawing dated 11/09/2019.

Main Issue

2. The main issue is the effect of the development proposed on the size of the rear garden.

Reasons

3. The Council have referred to the recommendation in the Essex Design Guide (the Guide) for a private garden size for houses. The Guide states that 100 square metres is an acceptable and workable minimum size that accommodates most household activities, offers visual delight, receives some sunshine and encourages plant growth. From the evidence before me the figure of 100 square metres is a recommendation rather than a strict requirement, and for a two bedroom house such as the host dwelling an area of 50 square metres could be acceptable given that such dwellings are for smaller households.
4. The development proposed is a single-storey conservatory. The appellant states that the garden area retained would be around 90 square metres after erection of the proposed conservatory. The Council has not given a figure for

the retained area but their delegated officer report states that the conservatory would be incidental in nature, and I see no reason to disagree with this. The conservatory would occupy a modest footprint and I consider that sufficient space would be retained in the rear garden to accommodate household activities and provide for the other purposes identified in the Guide.

5. I therefore conclude that the development proposed would not have a harmful effect on the size of the rear garden. It would be in accordance with Policies GEN2 and H8 of the Uttlesford Local Plan January 2005, which amongst other things require new development to be of a scale and design that respects those of the original building.

Conditions

6. Planning permission is granted subject to the standard three year time limit. I have also imposed a condition requiring that development be carried out in accordance with the approved plans. This is for the avoidance of doubt, and in the interests of clarity.

Conclusion

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

M Chalk

INSPECTOR