



Appeal Decision

Site visit made on 25 February 2020

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2020

Appeal Ref: APP/C1570/W/19/3242784

6 Belmont Hill, Newport CB11 3RF

- 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 and Mrs R. Chaplin against the decision of Uttlesford District Council.
 - The application Ref: UTT/19/1779/FUL, dated 19 July 2019, was refused by notice dated 31 October 2019.
 - The development proposed is the change of use of garage and garden studio to separate dwelling with associated external works.
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Decision

1. The appeal is dismissed

Main Issue

2. The main issue is the effect of the development upon the character and appearance of the surrounding area, with particular regard to the Newport Conservation Area (the CA); and the setting of the Listed Building of 6 Belmont Hill.

Reasons

3. The appeal site contains a Grade II Listed Building (no. 6), which is in use as a dwelling. The significance of the Listed Building is, in part, derived from its traditional architecture and landscaped garden, which also serves as a transitional space between the more built-up form of Newport and the countryside beyond. The boundary treatments of the garden comprise a combination of wooden fencing, trellis and planting. The development is also within the CA. The significance of this, is in part, derived from the presence of historic dwellings with landscaped gardens of a width commensurate to the proportions of the associated dwellings. The boundary treatments are such that a degree of openness is retained. To the rear of the appeal site is the annexe. It is proposed that this be converted to a dwelling.
4. The evidence before me is indicative that the use of the annexe itself as a self-contained dwelling does not cause concern and that this building would not be the subject of any external alterations. However, the proposed development would result in a subdivision of the property's garden.
5. This creates concern as the character of this garden can be summarised as having an open, landscaped setting. This character would be significantly altered through the installation of a fence across most of the width of the site.

This boundary treatment would be in addition to fencing running along a significant section of the length of the garden. These fences, along with hedges, would form the boundaries of the proposed dwelling's garden.

6. In consequence, the development would cause an erosion of the site's, and the CA's, character owing to a loss of openness due to the proposed subdivision. This results in some harm as views into the rear garden are possible thereby highlighting the creation of two dwellings on the site, and therefore the inappropriate form of development would be readily apparent. In consequence, the absence of alterations to the annexe does not allow me to offset my previous concerns.
7. Furthermore, to the rear of the site is a service road that serves as access to a number of other dwellings. In addition, there is a footpath that leads from the service road to the more open countryside; as well as a railway line. In consequence, the proposed development occupies a significant degree of prominence thereby exacerbating the adverse effect on the character of the CA, and the setting of the listed building.
8. Whilst I acknowledge that the site features a trellis fence crossing a significant proportion of the site's width, this structure has, by its nature, a more open character and is supplemented by planting. In consequence, it does not have the same adverse effect upon the setting of the CA and listed building as the proposed development (in the form of the additional boundary treatment) would have.
9. The evidence before me indicates that historically, the garden area to the rear of properties in Belmont Hill was shared between dwellings. However, the boundaries of this shared space run perpendicular to Belmont Hill and this form of boundary has been mirrored in the development of individual gardens that are generally of the same width as the associated dwelling. The proposed development would conflict with this character.
10. I have also noted the presence of a subdivision of the adjoining property, however, owing to the footprint and form of the neighbouring dwelling, this subdivision is not readily apparent from the wider area and, in consequence, it does not have the same adverse effects on the setting of the associated neighbouring dwellings. Accordingly, I do not find that the presence of other developments elsewhere sufficient to offset my previous concerns.
11. I have identified harm to the setting of a Listed Building and the CA. This harm is less than substantial. In line with the requirements of the Framework, I am required to balance this harm against any public benefits that might exist. Whilst I acknowledge that the proposed development would result in an increase in the local supply of housing, in addition to any economic benefits that would arise from the construction process; such benefits are small-scale and relatively localised in impact. Accordingly, I do not believe that the harm would be outweighed.
12. I therefore conclude that the development would have an adverse effect upon the setting of the CA and the Listed Building. The development, in this regard, would fail to comply with the requirements of Policies ENV1, ENV2 and H3 of the Uttlesford Local Plan (2005); and the Framework. These, amongst other matters, seek to ensure that developments preserve or enhance the character and appearance of Conservation Areas, including in plan form; are in keeping

with the character of listed buildings; and are in keeping with the character of the settlement.

Other Matters

13. I acknowledge that the proposed development would feature a garden of an appropriate size and that internal space standards have been adhered to. Whilst this means that residents of the proposed dwelling would benefit from appropriate living conditions, it does not overcome the harm as previously identified.
14. I also note that the evidence before me is indicative that the development would not have an adverse effect on the highway system and that the proposal allows for the use of sustainable means of transport. Whilst these are matters of note, these are only some of the matters that must be considered and therefore do not outweigh the previous adverse effects.
15. The evidence before me is indicative that the Council cannot currently demonstrate a five-year supply of housing. Whilst this might be the case, I note that paragraph 11(d) of the National Planning Policy Framework (the Framework) is clear that the 'tilted balance' does not apply in instances where a development would conflict with the aims of the Framework in respect of preserving or enhancing the significance of heritage assets. Accordingly, the addition of one house to the local supply does not outweigh my concerns.

Planning Balance and Conclusion

16. For the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR