

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: 6th April 2020

Appeal Ref: APP/C1570/W/19/3241539

Bricketts, London Road, Newport CB11 3PP

- 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 London Road (Newport) LLP against the decision of Uttlesford District Council.
 - The application Ref UTT/18/1827/FUL, dated 26 June 2018, was refused by notice dated 19 September 2019.
 - The development proposed is demolition of existing dwelling and garage. Full application for erection of 20 no. dwellings, including 4 affordable. Associated access, car parking, footpaths, landscaping and construction of earth mound.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the description on the application form, which is set out above, the scheme was modified prior to the Council's determination, increasing the number of affordable houses from 4 to 8. This is reflected in the description of the development on the Council's decision notice and on the appeal form. I have therefore determined the appeal on the basis that the scheme would provide 8 affordable homes. During the appeal process a completed Section 106 planning obligation to secure these affordable homes was provided under Section 106 of the Town and Country Planning Act 1990. I will return to this matter later.
3. The Council's decision notice refers to the emerging Uttlesford Local Plan (EULP) but did not refer to any specific policies within it. However, I am aware that the EULP has been the subject of Examination and that a letter to the Council from the Inspector, dated 10 January, indicated serious concerns with the plan's overall spatial strategy. Nevertheless, I have been given sight of several EULP policies which are relevant to my assessment of the proposal insofar as they are concerned with design. As these are consistent with the National Planning Policy Framework's, (the Framework's) approach to design, I have given them moderate weight in my determination of the appeal.

4. The emerging Newport, Quendon and Rickling Neighbourhood Plan (NQRNP) is also referred to in the decision notice, although no specific policies are cited. This plan has been subject to public consultation (Regulation 16) and is currently at examination having been progressed in parallel with the EULP. Nevertheless, my attention has been drawn to policies within it that relate to design and layout considerations. As these are also consistent with the Framework's approach to design, I have given them significant weight in my assessment of the appeal proposal.

Main Issue

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

Reasons

6. The appeal site is a narrow rectangular area of land comprising a detached bungalow, its garden and an area of paddock that immediately surrounds it. It is located on the western side of London Road on the approach to the village of Newport, the centre of which is some distance to the north. Development along London Road is predominantly characterised by detached dwellings set in generously proportioned plots with their own accesses. The only notable exception is a short cul-de-sac immediately to the north of the appeal site, The Spinney, which accommodates a series of bungalows on small plots. An existing tree belt on both sides of London Road screens the appeal site from the road and softens the approach into the village.
7. The site's location, on the southern-most edge of the village, makes it particularly sensitive. It currently provides part of the transition between the existing development along London Road and the open countryside beyond. The proposed layout would provide 20 houses on small plots on either side and enclosing the end of a cul-de-sac that would serve the site. There would be a terrace facing London Road which would present an abrupt start to the built form of the village and would be at odds with the context of individual houses set back from the street.
8. The continuous roof line of the link-detached dwellings on the southern side of the cul-de-sac would introduce a hard edge to the village. There would be virtually no space for landscaping on the southern side due to the very limited depth of the gardens. This combination of factors would prevent the development integrating satisfactorily with the rural surroundings. Any screening of the site would be reliant on existing vegetation and trees elsewhere along London Road and on the field boundaries further to the south, none of which could be guaranteed to be retained in the long term.
9. The development would project beyond other development on the western side of London Road, including the dwellings within The Spinney. This would represent an encroachment into the countryside. The development as a whole would be dominated by hard-surfacing, with little or no space available for meaningful landscaping within the new street. With the exception of the terrace facing London Road, none of the dwellings would be provided with front gardens. As a consequence, the street would have a barren and sterile appearance that would fail to respect the context of the village or its rural surroundings.

10. In addition to the dwellings on Plots 5-8 having very shallow gardens, the height and bulk of the dwellings on Plots 14-18 would fail to have sufficient regard for the existing single-storey development that characterises The Spinney. The separation distances between these new dwellings and Nos 4A, 4B and 6 The Spinney would be limited. This would be at odds with the more spacious character displayed by development elsewhere in London Road. In particular, the inclusion of a summer house within the garden of Plot 17 to minimise the impact on 4A The Spinney highlights the awkward relationship between the existing and proposed dwellings. All these factors indicate that the layout is an urban form of development that is out of character with the rural setting of the village.
11. I appreciate that the design of the individual dwellings and the use of materials would reflect the local vernacular. It is intended that detailing should be robust to minimise future maintenance. However, these positive aspects of the scheme do not overcome my concerns about the number of units and the proposed layout.
12. For all these reasons, I conclude that the proposal to introduce 20 dwellings onto this constrained, sensitive, edge of village site, would be an inappropriate form of development and would be harmful to the character and appearance of the area. It would conflict with Policy GEN2 of the Uttlesford Local Plan 2005 (ULP) which requires development to be compatible with the scale, form and layout of its surroundings. It would also conflict with emerging Policies NQRHA1 and NQRHA4 of the NQRNP which require development within Newport to be of a scale and setting that relates to the village and to ensure that development is well integrated into the surrounding landscape.

Other Matter

13. I am aware that there is an extant outline permission for up to 11 dwellings on the site, Ref: UTT/16/1290/OP. Although the layout and scale of development are reserved matters, I have been provided with a plan of the proposed layout which is currently before the Council, Ref: UTT/19/2900/DFO and to which the Parish Council has raised no objection. It therefore seems likely that a scheme of 11 dwellings will be implemented and I have taken this into account in reaching my decision.

Planning Obligation

14. A Section 106 Agreement which would secure the provision of 8 affordable homes was submitted with the appeal. Policies H9 of the ULP and emerging policy H6 of the EULP set out a requirement for sites which provide more than 11 dwellings to provide 40% affordable homes on the site. The proposal would meet this requirement and I am therefore satisfied that the obligation would comply with Regulation 122 of the Community Infrastructure Regulations and the tests set out in Paragraph 56 of the Framework. The provision of affordable homes is a factor in the scheme's favour, and I have therefore taken the obligation into account in reaching my decision.

Planning Balance

15. It is common ground that the Council is unable to demonstrate a five year supply of deliverable housing sites. Consequently, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
16. There is no objection in principle to a residential development on this site. Outline permission for 11 dwellings, 2 of which would be affordable has already been granted, a reserved matters application is before the Council and the site has been allocated in both the emerging Local and Neighbourhood Plans for a development of this scale. It is therefore accepted that even though the site is further from the centre of the village and its services than the recommended 800m, it is a suitable location for a modest number of homes. Future residents would be able to walk to some of the services in the village as there is a lit footpath along London Road. However, a car is likely to be a more practical, pleasant and convenient choice on many occasions given the distance involved and the volume of traffic using the road. In addition, from the evidence before me it appears that approval for residential development has been granted on several other sites, most of which are closer to the village centre. There is therefore no compelling reason to justify the provision of more housing on the appeal site arising from its location.
17. A development of 20 dwellings would generate social and economic benefits, both during construction and beyond. However, a significant proportion of these benefits would be realised with the development of 11 dwellings which already has outline planning permission. The additional benefits of another 9 dwellings would therefore be only modest, having regard to the current shortfall. Similarly, any benefit arising from it being a site that could be delivered quickly will largely be realised with the smaller scheme. Nevertheless, there would be additional social benefits associated with the provision of 6 more affordable homes, over and above the 2 already secured with the extant scheme. This is a factor of moderate weight in the balance.
18. Although the proposal complies with other aspects of the development plan, such as in respect of highway safety and flood risk, these matters are not factors in the scheme's favour, they are therefore neutral in the planning balance.
19. However, the appeal site is in a sensitive location at the southern edge of the village. I have found that the proposed layout would be an urban form of development which would be inappropriate in its context. Its quantum, bulk, height and layout would fail to respect the more spacious layout of development elsewhere on London Road. In my view it would fail to create an arrangement of streets, spaces and buildings that would be an attractive, welcoming and distinctive place to live. The result would be an unacceptable encroachment of built form into the countryside with inadequate landscaping and screening. This significant, permanent environmental harm to the character and appearance of the area is a matter which weighs heavily against the proposal.

20. Consequently, I conclude that the significant adverse impacts on the character and appearance of the area significantly and demonstrably outweigh the moderate benefits of the proposal's additional homes, when assessed against the policies in the Framework when taken as a whole. The presumption in favour of sustainable development therefore does not apply in this case.

Conclusion

21. I have found that the proposal would conflict with the development plan as a whole. There are no other considerations, including the requirements of the Framework that outweigh that conflict. For this reason, I conclude that the appeal should be dismissed.

G. Pannell

INSPECTOR