



Appeal Decision

Site visit made on 10 March 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th April 2020

Appeal Ref: APP/C1570/W/19/3243358

Great Chalks, High Street, Hatfield Broad Oak CM22 7HQ

- 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 Foxley Group Ltd against the decision of Uttlesford District Council.
 - The application Ref UTT/19/1524/FUL, dated 21 June 2019, was refused by notice dated 18 November 2019.
 - The development proposed is erection of detached three bedroom chalet bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for erection of detached three bedroom chalet bungalow at Great Chalks, High Street, Hatfield Broad Oak CM22 7HQ in accordance with the terms of the application Ref UTT/19/1524/FUL, dated 21 June 2019, subject to the conditions set out in the schedule to this decision.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed development on highway safety and the free flow of traffic in the area.

Reasons

Character and Appearance

3. The appeal site is situated to the rear of Great Chalks, a sizeable detached three-storey dwelling with a red brick façade that fronts onto High Street. The surrounding area is predominately residential comprising properties with a mixture of styles and designs. Great Chalks, a portion of its back garden and its neighbouring properties fronting High Street lie within the Hatfield Broad Oak Conservation Area (CA). Great Chalks is also a locally listed heritage asset with the detached property and its front and side garden walls contributing to the visual richness of the High Street with the tree in the front garden (and its hedges) identified as being of great importance to the street scene¹.

¹ Hatfield Broad Oak Conservation Area Appraisal and Management Proposals, Approved May 2013

4. In addition to being within the CA many of the buildings adjacent to Great Chalks (and fronting the High Street) are also grade II listed. A portion of the existing access to the appeal site (from High Street) is also in the CA with the remainder of the appeal site lying outside it. The proposed development relates to the construction of a detached bungalow towards the rear of the portion of the back garden to Great Chalks that lies outside the CA. The proposal would also necessitate the removal of several trees from this area of the appeal site. The existing access off the High Street runs past the appeal site to the land behind it and would serve several dwellings that will be located there as well as the proposed development. Indeed, while on my site visit, I observed that these neighbouring properties were currently under construction with most of the land to the rear of the appeal site being an active building site.
5. The design of the proposal and its materials would be of a type and style that aims to complement that of the surrounding area and the existing properties within it. Furthermore, the part of the rear garden to Great Chalks that would be lost as a result of the proposal would not be located within the CA and has also not been identified as being particularly important to the area's character (in contrast to the front and side gardens). As a result, I consider that the proposal and the associated loss of this part of the rear garden to Great Chalks would not have an adverse visual impact or harm the overall character and appearance of the area. Moreover, given the fact that new housing is being constructed further to the rear of the appeal site in what were the more extensive grounds of Great Chalks, and the presence of other detached dwellings (Yew Tree House and Cedar Lodge) within the gap between the High Street and Medlars Mead, I consider that the proposal would also not be out of keeping with the area's established pattern of development.
6. In the context of the above and given that the proposal would use the existing access from High Street that has already been put in place to serve the construction of the new residential development nearby (which has already altered the setting of the CA and listed buildings nearby) I also consider that the proposal would preserve the character and appearance of the adjacent CA and therefore not cause harm to its setting or significance as a whole. Moreover, for similar reasons I consider that the proposal would also preserve the setting of the non-designated heritage asset of Great Chalks as well as the listed buildings adjacent to it.
7. Accordingly, based on the evidence before me, I find that the proposed development would not unacceptably harm the character and appearance of the area. I therefore conclude, on this main issue, that the proposed development would also accord with policies GEN2 and H4 of the Uttlesford Local Plan (adopted January 2005) which aim to promote good design and the efficient use of land, amongst other considerations.

Highway Safety and the Free Flow of Traffic

8. The Highway Authority have not objected to the proposed development and I have been supplied with no substantive evidence in respect of highway safety and traffic issues that would lead me to disagree with their position. As a result, based on the evidence before me, I find that the proposal would not harm the safety of road users or disrupt the free flow of traffic in the area and being mindful of Paragraph 109 of the *National Planning Policy Framework* (the Framework) see no reason why the proposal should be refused. I therefore conclude, on this main issue, that the proposed development would accord with Policy GEN1 of the Uttlesford Local Plan (adopted January 2005) which aims to ensure that new development does not compromise road safety, amongst other considerations.

Other Matters

Housing Land Supply

9. The Council does not dispute the appellant's contention that it is unable to demonstrate a five-year supply of deliverable housing sites in accordance with paragraph 73 of the Framework. As such, it is necessary for me to determine whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits inherent in providing an additional dwelling to assist the Council in addressing its undersupply as set out in Paragraph 11 of the Framework.
10. The proposal would, for the reasons described above, not cause material harm to the character and appearance of the area or to highway safety. Moreover, as accepted by the main parties, the appeal site is located within an area suitable for housing. Furthermore, within the context of the Council acknowledging that the District has a deliverable housing land supply of approximately 2.68 years, the proposal would provide the benefit of a new home and there are no identified adverse impacts that would outweigh this benefit when assessed against the policies in the Framework as a whole. As a result, when considered in the round, these factors weigh in favour of the proposal and the presumption in favour of sustainable development is therefore applicable in this case.

Objections by Interested Parties

11. Interested parties have also raised concerns in relation to several other matters including pollution, impact on wildlife and ecology, impact on village services and utilities (water, electricity and sewage), inadequate infrastructure, loss of protected open space, and the loss of trees. However, as the Council have not raised any concerns in relation to these matters, I have not considered them further.

Conditions

12. I have undertaken some minor editing and rationalisation of the conditions proposed by the Local Planning Authority (LPA) in the interests of precision and clarity. In order to protect the living conditions of occupiers of neighbouring properties and ensure highway safety I have attached a condition in respect of the submission of a Construction Method Statement. However, I have omitted the requirement for wheel and underbody washing facilities for construction vehicles originally suggested by the LPA as I do not consider it would be reasonable or necessary to impose it given the scale of the development proposed.
13. I have also attached a condition requiring the submission of parking and access arrangements in the interest of highway safety. In order to safeguard biodiversity, I have attached conditions relating to external lighting levels; the implementation of mitigation measures; and the submission of a wildlife enhancement plan. Finally, I have attached a condition requiring compliance with Category 2 part M4 (2) of the Building Regulations 2010 in order to ensure the proposal is accessible and adaptable in the interests of the living conditions of its future occupiers.
14. The Council have also suggested a condition requiring mitigation by requiring the provision of a Residential Travel Information Pack for the proposal to promote sustainable transport and reduce the need for travel by private car. However, having considered the scale of development and bearing in mind the Framework's approach at Paragraph 111, I do not consider that it has been demonstrated that the amounts of movement likely to be generated would make it necessary or reasonable to require the provision of such a Residential Travel Information Pack or similar in this instance.

Conclusion

15. The accord of the proposal with the development plan and the Framework when read as a whole is not outweighed by any other consideration and the Framework indicates in Paragraph 11 that such development should be approved without delay. Therefore, for the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed, and planning permission is granted, subject to conditions.

C Coyne

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The dwelling hereby permitted shall not be occupied until spaces have been laid out within the site in accordance with drawing no. 2723-201 (April 2019) for two cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that these spaces shall thereafter be kept available at all times for the parking and turning of vehicles.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) The development hereby permitted shall be carried out in accordance with the approved revised Ecology Note, prepared by CSA Environmental, Version 2, dated August 2019 and the mitigation measures within it (including due diligence regarding nesting birds, radiating mammals (particularly badgers) and bat sensitive lighting. The mitigation measures shall be fully implemented prior to any equipment, machinery or materials being brought onto site, retained in situ for the duration of the works, and only removed once the development is complete and all machinery and works material removed from the site.
- 5) Within one month of commencement of the development hereby permitted a Wildlife Enhancement Plan (WEP) shall be submitted to and approved in writing by the Local Planning Authority. The WEP shall be compiled by a suitably qualified ecologist, include a timetable for implementation and a detailed plan. The scheme, which must be over and above any avoidance, mitigation and compensation measures required to neutralise the impacts of the development on wildlife, will improve the ecological condition of the development site after the development is complete. Enhancements may include: the installation of bird and bat boxes and/or the provision of wildlife friendly landscaping and other appropriate measures including those set out within the approved revised Ecology Note, prepared by CSA Environmental, Version 2, dated August 2019.
- 6) The dwelling hereby permitted shall not be occupied until a lighting design scheme for biodiversity is submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate technical specifications in accordance with external lighting recommendations as per 'Bats & Lighting in the UK' Bat Conservation Trust/Institution of Lighting Engineers, 2018) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

- 7) The dwelling shall not be occupied until the Building Regulations Optional requirement (Category 2: Accessible and adaptable dwellings) in regulation M4 (2) to the Building Regulations 2010 Approved Document M, Volume 1 2015 edition has been complied with.