



Appeal Decision

Site visit made on 16 June 2020

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22nd June 2020

Appeal Ref: APP/C1570/W/20/3244429

Crossways, Station Road, Elsenham, Bishops Stortford CM22 6LA

- 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 Darren Salsbury against the decision of Uttlesford District Council.
 - The application Ref UTT/19/2545/FUL, dated 11 October 2019, was refused by notice dated 23 December 2019.
 - The development proposed is the demolition of the existing house and erection of 3 no. 4-bedroom dwellings.
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Decision

1. The appeal is allowed and permission is granted for the demolition of the existing house and erection of 3 no. 4-bedroom dwellings at Crossways, Station Road, Elsenham CM22 6LA, in accordance with the terms of the application, Ref UTT/19/2545/FUL, dated 11 October 2019, subject to the attached schedule of conditions.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

Character and appearance

3. The proposal is for the demolition of Crossways, a substantial detached house set in an unusually large plot on the western side of Station Road, and the redevelopment of the site with three detached houses. The existing property is attractive but is now poorly maintained and unoccupied. Being neither listed nor in a conservation area there is no reason to resist its demolition.
4. The site fronts onto Station Road which is lined by modern mainly detached houses of a variety of designs but with one pair of semi-detached properties opposite and some nearby culs-de-sac, including The Croft almost opposite the site. In this context the form of development proposed, three detached houses, would not look out of place. Whilst the plot widths would be somewhat narrower than the norm nearby on the western side of the road, there are four of similar width diagonally across the road (Simons-Alsadene) and the area generally has a wide variety of plot shapes and sizes.

5. The three detached houses would be evenly set out in line with The Stocks on one side and Oak Lodge on the other. They would be essentially the same design although different external materials and varied decoration to the front facing gables would provide some visual interest. The three houses would have integral double garages facing onto a shared drive and use the existing single access to one side of the frontage with the frontage hedge retained.
6. The Council offer no real criticism of the design of the houses themselves, and although the Parish Council object to the detailed gable design this is a quibble. In two cases garages would be built up to the property boundaries, but this is not uncommon and the two storey sections of the houses would be set well off the boundary. The garages projecting to the side of each house would increase the apparent visual gap between them.
7. The main concern is that the parking and turning arrangements would be inadequate, and that this is indicative of the overdevelopment of the site. However, there is no technical highway objection to the scheme and it is accepted that three parking spaces would be provided for each dwelling, two in front of each garage and at least one within, thus meeting the Council's parking standards. Rather than indicating overdevelopment the parking and turning layout is the result of seeking to retain the frontage hedge and to utilise the single existing access. Frontage hedges are common in the area but not universal, so this should be supported, as it would benefit both the street scene and the outlook of future occupiers.
8. Retaining the hedge necessarily constrains the shared space behind, and to reach plot 1 vehicles would have to manoeuvre between the hedge and parked cars in front of plot 2. Whilst the overall parking layout is a little awkward, all the spaces are accessible and on this 30 mph speed limit road the highway authority does not specifically require vehicles to turn on site to leave in forward gear. Parking and manoeuvring space in front of other properties in the area is also constrained by frontage hedges or walls. In the circumstances this aspect of the proposal does not warrant refusal of permission.
9. For these reasons the proposal would not significantly harm the character and appearance of the area and would comply with Policies S3, GEN2 and GEN8 of the Uttlesford Local Plan 2005. These require development to be compatible with the character of the settlement and the scale, form, layout, appearance and materials of surrounding buildings, and a parking layout appropriate to the location.

Other matters

10. Local residents raise surface water flooding as a concern but the Council conclude that the proposal would not give rise to any significant adverse effects and do not recommend any conditions. Any increase in traffic from the site would only be modest and any loss of wildlife could be mitigated by ecological enhancements as part of the scheme. The proposal would provide a net increase in dwelling stock which would help meet pressing housing needs in the area, including the need for further four-bedroom family housing.
11. The Council has suggested a series of conditions should the appeal be allowed, however these must be both necessary and reasonable amongst other tests. In addition to the standard implementation time limit it is necessary to define the plans that have been approved in the interests of certainty. Further

conditions are required to provide accessible and adaptable dwellings to comply with the Council's policy¹, to ensure garages are retained for parking purposes and to require side facing windows above ground floor level to be obscure glazed in the interests of privacy. A condition to ensure retention of the frontage hedge is necessary but this should be subject to satisfactory access requirements and to require a specific height is unduly onerous. Biodiversity enhancements are necessary but with no evidence of protected or priority species or habitats on site the suggested condition requires amendment. In relation to the other suggested conditions there is no clear policy requirement to provide electric car charging facilities and no special justification to remove normal permitted development rights for the properties. The Bat Survey Report did not make any recommendations.

12. In addition at the request of the highway authority a series of conditions (8-12) are necessary in the interests of highway safety and to ensure the required number of parking spaces are provided. A further condition to require a travel information pack and travel vouchers is unnecessary.

Conclusion

13. Whilst some may regret the loss of the existing house on the site, having regard to the above, the proposal is in accordance with the development plan and therefore the appeal should be allowed.

David Reed

INSPECTOR

¹ Supplementary Planning Document, Accessible Homes and Playspace, November 2005

Schedule of conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Block Plan; Design and Access Statement; Bat Survey; Flood Map; Photographs; 18009 P00 D; 18009 P01 D; 18009 P03 D; 18009 P04 D; 18009 P05 D; 18009 P06 D; 18009 P07 D; 18009 P08 D; 18009 P02 G.
- 3) All of the dwellings 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.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the garage to any dwelling hereby permitted shall be retained such that it is available for parking and shall not be converted to residential accommodation without the prior written consent of the local planning authority.
- 5) Prior to first occupation any window above ground floor level and on a side elevation shall be obscure glazed and retained as such.
- 6) The existing hedge to the frontage of the site shall be retained subject to satisfactory access requirements.
- 7) Prior to any dwelling hereby permitted being erected above slab level, a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the local planning authority and the agreed measures therein shall be implemented prior to first occupation in accordance with the approved details and retained at all times thereafter.
- 8) Any vegetation along the site frontage within/overhanging the highway above ground level shall be removed and maintained clear of the highway in perpetuity.
- 9) Prior to first occupation of any of the dwellings hereby permitted the private drive shall be constructed to a minimum width of 5.5 m for at least the first 6 m from the edge of the carriageway and provided with an appropriate dropped kerb crossing of the footway/verge.
- 10) No unbound material shall be used in the surface treatment of the vehicular access within 6 m of the highway boundary.
- 11) Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 m from the edge of the carriageway.
- 12) The dwellings hereby permitted shall not be first occupied until such time as the vehicle parking and turning areas indicated on the approved plans have been provided, and the parking and turning areas shall then be retained for such purposes at all times thereafter.