



Appeal Decisions

Site visit made on 8 June 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 July 2020

Appeal A Ref: APP/C1570/W/19/3239387

2 Rickling House Cottages, Rickling Green Road, Rickling Green CB11 3XF

- 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 Noel Greenwood against the decision of Uttlesford District Council.
 - The application Ref UTT/19/0007/FUL, dated 2 January 2019, was refused by notice dated 2 July 2019.
 - The development proposed is construction of new 3 bedroom detached house and associated garage block within the garden of the existing listed building.
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Appeal B Ref: APP/C1570/W/19/3239356

2 Rickling House Cottages, Rickling Green Road, Rickling Green CB11 3XF

- 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 Noel Greenwood against the decision of Uttlesford District Council.
 - The application Ref UTT/19/0006/FUL, dated 2 January 2019, was refused by notice dated 5 July 2019.
 - The development proposed is construction of 2 no. dwellings and associated garage block within the rear garden of the existing listed building.
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Decisions

Appeal A

1. Appeal A is dismissed.

Appeal B

2. Appeal B is dismissed.

Procedural Matters

3. The two appeals relate to different parts of the host site. I have considered both appeals on their individual merits, but to avoid duplication I have dealt with the two schemes together, other than where indicated.
4. I have taken the description of development for Appeal B from the Council's decision notice as it is the most accurate description of the proposed development.

5. Subsequent to the County Council's comments on the appeals, submissions have been made by the appellant showing further revised visibility splays. I have considered whether it would be appropriate to accept these further revised plans, having regard to the principle established in *Wheatcroft*¹. As neither the Council nor the local highway authority have been consulted on these plans I conclude that the interests of interested parties would be prejudiced if I were to take the amended plans into account in determining these appeals. Accordingly, I have determined this appeal on the basis of the first set of drawings showing visibility splays.
6. I note references in submissions to the emerging Uttlesford Local Plan. The Council has confirmed that this has been withdrawn. I therefore have not attached any weight to its policies.
7. The bridleway to one side of the appeal site is referred to as both Woodside and Willis Lane in submissions. For the sake of consistency I have used Woodside in this decision.

Main Issues

8. The main issues in relation to both Appeal A and Appeal B are:
 - Whether the developments proposed would preserve the settings of the Grade II listed Rickling House Cottages and Rickling House, and preserve or enhance the character or appearance of the Quendon and Rickling Conservation Area,
 - The effect of the developments proposed on highway safety; and,
 - Whether the developments proposed would make sufficient provision for off-street parking.
9. In addition, in respect of Appeal B only, there are further main issues of the effect of the appeal proposal on biodiversity, and the effect on the countryside.

Reasons

Heritage Assets

10. The appeal sites are within the setting of the Grade II listed host property and also the Grade II listed Rickling House. The sites also fall within the Quendon and Rickling Conservation Area (the CA). Paragraph 193 of the National Planning Policy Framework (the Framework) sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
11. Rickling House Cottages is a pair of semi-detached dwellings, one of which is the host property for the appeals. From the evidence before me and what I saw on site I consider that the listed building's significance derives principally from its architectural and historic interest, which includes the historic association with Rickling House indicated in the building's name and evidenced in the appellant's Heritage Statement. The site lies at the edge of the grounds of Rickling House.

¹ *Bernard Wheatcroft Ltd v SSE* [JPL, 1982, P37]

12. During the course of my site visit I saw that the street scene in the vicinity of the appeal site comprised a range of properties of varied size and appearance that contribute to the overall architectural interest of the CA. The Quendon and Rickling Conservation Area Appraisal and Management Proposals June 2015 states that the CA is heavily characterised by properties which are generally set back within generous grounds with sizable gardens to the front as well as the rear. The Appraisal also highlights that properties within the CA generally comprise linear development facing onto the road.
13. I have had drawn to my attention an appeal decision in which the Inspector found there to be variety in the building line within this CA. However, I saw on my site visit that within the vicinity of the appeal sites the pattern of development is clearly linear, including the 3 houses on Woodside which face onto the bridleway.
14. Appeal A proposes a single dwellinghouse to the side of 2 Rickling House Cottages, aligned with the front elevation of the host property and with the front elevation facing onto Woodside. The proposed dwelling would appear incongruous in the Rickling Green Road street scene as its orientation would be out of keeping with the general linear pattern of development with properties primarily facing the road. I saw that the houses on Woodside face onto that road, but these are set well back from the junction with Rickling Green Road, and do not form a prominent part of its street scene.
15. The proposed house would be a substantial addition to the site. The evidence in the submitted Heritage Statement shows that this part of the site had previously been built on, but it is now in use as part of the garden to 2 Rickling House Cottages. I did not see any evidence of the remains of historic development of the site during my visit. The appeal site for Appeal A is well-screened from both streets by established landscaping, but large sections of this would be removed from the Woodside frontage as part of the development proposed. The loss of soft landscaping and size and siting of the proposed house would result in it being a dominant feature on the site, restricting views of Rickling House Cottages, which I saw could be glimpsed through the established hedgerow on the boundary of the site. I therefore consider that the appeal proposal would fail to preserve the setting of the host property.
16. Appeal B proposes 2 houses to the rear of 2 Rickling House Cottages. These houses would face towards Rickling Green Road, unlike the 3 existing houses accessed from Woodside. This orientation would be out of keeping with the linear form of development with houses facing onto the road that is characteristic of the CA.
17. The appellant's Heritage Statement provides evidence that this appeal site was not historically associated with Rickling House Cottages. The evidence suggests that those houses were historically workers' cottages, and unlikely to have gardens of the size that they currently do. Based on this evidence and my own experience I consider that it is unlikely that historically there was any functional association between this appeal site and the cottages. The houses and associated development would be set back from the listed building and not prominently visible from Rickling Green Road. They would be visible from Woodside, but within this context I found during my visit that the listed building is not prominently visible. While the extent of the setting of a heritage

asset is not fixed, I do not consider that the development proposed under Appeal B would have a significant impact on the setting of the host property.

18. The appeal sites are located on the edge of the grounds of Rickling House. They would form part of a cluster of existing buildings in this location including the host property and adjacent Stable Cottage. Within this context I am satisfied that they would have little effect on the setting of Rickling House.
19. I have found that Appeal A would fail to preserve the setting of Rickling House Cottages, and both Appeal A and Appeal B would fail to preserve or enhance the CA. Having regard to paragraph 194 of the Framework the harm would be experienced principally in the immediate vicinity of the appeal sites, arising from the loss of soft landscaping and the scale, siting and orientation of the proposed single house, and the orientation of the proposed pair of houses. The harm to the CA and setting of the listed building would therefore be less than substantial, when weighed against their significance as a whole.
20. I recognise that the development would deliver 3 new houses, and that the District has a significant shortfall in its five year housing land supply. The development would deliver a short-term economic boost from the construction of the appeal proposals, and their occupation would result in ongoing economic and social benefits for local services and facilities. I have given these benefits weight in determining these appeals, but I am required to give great weight to the conservation of designated heritage assets in accordance with Paragraph 193 of the Framework. I do not consider that in this instance the public benefits of the appeal proposals would outweigh the harm that would result.
21. The design approach for the proposed houses is derived from Rickling House Cottages and neighbouring dwellings, and I do not consider that their appearance would be out of keeping in the CA. However, the absence of harm on this point is a neutral consideration in my determination of these appeals.
22. For the above reasons Appeals A and B would conflict with the requirements of Policies GEN2, ENV1 and ENV2 of the Uttlesford Local Plan January 2005 (the LP). Amongst other criteria, these require that new development in a CA preserves or enhances the character and appearance of its essential features, and that development affecting a listed building should be in keeping with its scale, character and surroundings.

Highway Safety

23. Despite revised plans having been submitted the Council considers the proposed visibility splays to be insufficient. The shortfalls in visibility distance, particularly onto Rickling Green Road which has a 30mph speed limit, would be significant and would be likely to result in vehicles pulling out in front of oncoming traffic, resulting in unsafe highway conditions. I saw that there were no restrictions on kerbside parking in the vicinity of the junction with Woodside and Rickling Green Road. Parked vehicles could significantly restrict visibility for vehicles pulling out of Woodside, especially from the left. I am not convinced that the revised plans show that safe access to and from Woodside can be achieved. The extent of the shortfalls is such that I do not consider this could be satisfactorily addressed by condition.
24. I therefore find that the shortfall in visibility for vehicles entering or leaving Woodside would cause unacceptable harm to highway safety. The

developments would therefore conflict with Policy GEN1 of the LP. Amongst other criteria this policy requires that development must not compromise road safety.

Off-street Parking

25. With regard to the provision of off-street parking, I am satisfied that there is sufficient space within both appeal sites to provide parking to meet the Council's standards of 3 parking spaces per house. Were I minded to allow one or both appeals, I consider that this could be addressed by suitably worded conditions.
26. I therefore find that the developments proposed would make sufficient provision for off-street parking. The developments would therefore accord with Policy GEN8 of the LP, which requires that development provide parking places in line with the Council's parking standards.

Ecology

27. A preliminary ecological appraisal was carried out prior to submission of the planning applications. It identified that the site of Appeal B has high potential to support roosting bats. Circular 06/2005 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. I have not been provided with evidence that bat surveys were subsequently carried out, and so it is not possible to say that there would be no harm to bats as a result of the proposed development.
28. I acknowledge that any survey carried out prior to submission of the planning application would now be out of date, and that the preliminary appraisal highlighted the existing buildings rather than the site of the proposed houses. However, in the absence of any further information to establish the presence or otherwise of bats I do not consider that this could be addressed by condition, even if I were minded to allow the appeal.
29. The appeal proposal therefore conflicts with Policy GEN7 of the LP. This policy requires, amongst other things, completion of a nature conservation survey when a site includes habitats suitable for protected species.

Countryside

30. The pair of houses proposed in Appeal B would be sited within the countryside for planning purposes. Policy S7 of the LP states that the countryside will be protected for its own purposes, and development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set.
31. The appeal site is part of the rear garden to the host dwelling, and it has a domestic character. The proposed houses would be about level with the neighbouring property Stellings, on the opposite side of Woodside. The gardens to 1 and 2 Rickling House Cottages and the grounds of Rickling House adjoin the appeal site. The site does not therefore have an open or particularly rural character.
32. Within this context, the appeal proposal would be a more intensive domestic use of the site. However, I do not consider that this would be harmful to the

particular character of this part of the countryside. Given the specific context of the site, I find that the appeal development would not conflict with Policy S7 of the LP.

Other Matters

33. The Council cannot demonstrate a five year supply of housing land, and accepts that Policy S7 of the LP is out-of-date having regard to the requirements of the Framework. However, the presumption in favour of sustainable development in such instances identified in paragraph 11 of the Framework is not engaged where harm would occur to designated heritage assets. I have therefore determined the appeal in accordance with the development plan.

Conclusion

34. For the reasons set out above, I dismiss the appeals.

M Chalk

INSPECTOR