



Appeal Decision

Site visit made on 8 June 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 July 2020

Appeal Ref: APP/C1570/W/19/3239218

Chepingfield, Feathers Hill, Hatfield Broad Oak CM22 7HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr & Mrs Baker against Uttlesford District Council.
 - The application Ref UTT/19/1677/OP, is dated 10 July 2019.
 - The development proposed is described as "outline planning application for the demolition of the existing dwelling and the erection of four dwellings with all matters reserved saved for access (revised scheme to UTT/18/1653/OP)".
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Decision

1. The appeal is dismissed and planning permission is refused.

Procedural Matters

2. Both parties have referred to the emerging Local Plan in their submissions. The Council has subsequently confirmed that this has been withdrawn. I therefore have not attached any weight to its policies.
3. The appeal seeks outline planning permission with all matters reserved other than access. I have dealt with the appeal on this basis and treated the submitted plans as illustrative with regards to all other matters.

Main Issues

4. The main issues are the effect of the development proposed on:
 - the living conditions of neighbouring occupiers with particular regard to noise and disturbance; and,
 - the character and appearance of the surrounding area.

Reasons

Living Conditions

5. Policy H4 of the Uttlesford Local Plan January 2005 (the LP) states that backland development will be permitted provided it meets certain criteria, which includes a requirement that access not cause disturbance to nearby properties.
6. The development proposed would result in a significant increase in vehicle movements above that generated by the existing single dwelling. The only vehicle access to the site is via a narrow driveway between two neighbouring properties, The New House and Priory Stables.

7. The appellants' Highway Impact Statement (the HIS) has assumed, based on TRICS data, a typical value of 0.7 movements per dwelling at peak time, and 6 daily movements per dwelling, based on 'peak spreading' and initiatives to promote non-car travel. This encompasses all forms of travel, with vehicle traffic projected to be about 80-90% of these movements.
8. The appeal is further supported by an Environmental Noise Assessment. This records existing noise levels in the vicinity of the appeal site, and concludes that additional traffic movements on the scale set out in the HIS would not result in unacceptable disturbance to the neighbouring occupiers.
9. While scale is a reserved matter, the application form indicates that the appeal proposal is for 3 four-bedroom houses and 1 three-bedroom house, with parking for 14 cars. I must therefore assume that any development would be at this scale in order to determine if the use of the access is acceptable. While Hatfield Broad Oak does have some services and facilities, based on the range listed within the evidence there is relatively limited employment in the village, no secondary school, an hourly bus service on weekdays only and no local train station. In addition, it is not clear that the HIS has accounted for traffic generated by deliveries, which would also increase significantly with the more intensive use of the site. Given these specific circumstances, I am not convinced that the use of typical values necessarily provides an accurate representation of the volume of traffic likely to occur as a result of the development proposed. As a result, I am not able to give full weight to the conclusions of the HIS or the Environmental Noise Assessment.
10. I consider that it is likely that traffic, including vehicle movements, associated with the development are likely to be higher than suggested. The attendant likelihood of disturbance from noise and vibrations to neighbouring residents is also therefore likely to be higher. Given the proximity of the nearest houses and their rear gardens to the appeal site access, I consider that the additional disturbance from its more intensive use would be intrusive to neighbouring occupiers. While the effect of passing traffic is transient, I am mindful that the access is narrow and only a single passing place is indicated. Conflict between vehicle traffic travelling in different directions on the access would further result in increased disturbance. I am not convinced that the boundaries between the appeal site and neighbouring properties would be sufficient to wholly mitigate the disturbance, given the significant increase in volume of vehicular traffic.
11. I recognise that there have been no objections from the Council's Highways or Environmental Health consultees regarding the appeal proposal. However, I must make my own judgment of the appeal proposal, based on what I saw during my site visit and the evidence before me.
12. That evidence is not sufficiently robust that I can conclude that the development proposed would not result in unacceptable harm to the living conditions of neighbouring occupiers. The appeal proposal therefore conflicts with Policy H4 of the LP.

Character and Appearance

13. Part of the appeal site falls within the countryside for planning purposes. LP Policy S7 states that in the countryside planning permission will only be given for development that needs to take place there, or is appropriate for a rural area.

14. Much of the appeal site enclosed by mature trees and landscaped as a domestic garden. The area that lies within the countryside has a distinctly different character, being an open paddock clearly separated from the garden area by an outbuilding and fence and is open to views from a public right of way. Within this context the addition of a dwelling on the site would be a more intrusive presence, introducing a domestic character to land that has historically been undeveloped, based on the evidence before me. However, I am mindful of the wider context of the site which includes both frontage and backland dwellings, and while design is a reserved matter I am satisfied that a suitable design could be advanced that would not appear out of keeping in this context. This could mitigate the visual impact of the development to some extent.
15. The appeal site lies on the edge of the Hatfield Broad Oak Conservation Area (the CA). From what I saw on site and the evidence submitted I consider that the significance of the CA derives largely from its historic buildings, their relationships and mix of uses, and to some extent its rural setting.
16. The site access lies within the CA, and the vegetation near the road junction would be cut back to accommodate the proposed passing bay. I do not consider that this would result in a material effect on the character or appearance of the CA given the limited scope of works proposed.
17. The appeal site is primarily associated with a modern backland dwelling, and therefore is of little importance to the appreciation of the historic significance of the CA. The undeveloped paddock makes only a modest contribution to the rural setting of the CA and the site boundary is set away from the public right of way. Given this context, I am satisfied that the appeal proposal would not materially affect the setting of the CA.
18. There are 3 Grade II listed buildings close to the appeal site, namely Feathers, Priory Barn and Hill Cottage. I saw each of these buildings from the highway and from within the site during my visit. I consider that the significance of these buildings is derived principally from their architectural and historic interest. While the appeal site can be considered to form part of these buildings' settings due to its proximity, I have been provided with no evidence to show any historic relationship to the listed buildings. Any relationship that may have existed has been eroded by time, including by the development of much of the appeal site for its existing residential use. Given this, I do not consider that further development of the appeal site would materially affect the significance of these listed buildings.
19. The appeal proposal would preserve the significance of the CA and nearby listed buildings. However, there would be harm to the rural character and appearance of the area. The development proposed would therefore conflict with LP Policy S7.

Other Matters

20. My attention has been drawn to a previous appeal decision on this site from April 2019 for the same development¹. Given the recency of this decision I have given weight to my colleague's findings. However, as new evidence has been presented, I have determined this appeal on its own merits.

¹ Planning Inspectorate ref: APP/C1570/W/18/3212442

21. I note concerns raised by third parties regarding the safety of the vehicle access and potential for disruption of traffic flow around the site, and regarding the demand on local services including the school and doctors' surgery. However, I do not have any substantive evidence to suggest that the development proposed would result in significant additional concerns on these points, and I note that the Council did not refuse permission on these grounds.
22. I also note concerns regarding the potential for vehicles to collide with the dwelling adjacent to the vehicle access. However, the access is relatively straight and I am satisfied that it is of sufficient width that collisions are unlikely to occur.
23. Further, I have considered the potential for vibrations from the more intensive use of the access to cause damage to the neighbouring property. However, I have not been provided with evidence that this is likely to cause damage to the property.

Planning Balance

24. I have found that the development proposed would conflict with LP Policies S4 and H7. The LP predates the current version of the National Planning Policy Framework (the Framework), and in accordance with paragraph 213 of the Framework I must consider the weight to be given to the LP policies.
25. I find that LP Policy H4 is broadly consistent with the Framework, and the conflict with it attracts significant weight in my consideration of this appeal. LP Policy S7, however, seeks to protect the countryside for its own sake and is therefore more restrictive than national policy. I therefore give limited weight to the proposal's conflict with this policy.
26. The proposal would result in social benefits from the provision of three additional dwellings. There would also be short-term economic benefits from the construction of the dwellings, and ongoing economic benefits from their occupation. However, even though there is a need for new housing given the Council's housing land supply shortfall, the overall benefits from only three new dwellings would be modest. Notwithstanding this, the identified harm to the living conditions of neighbouring occupiers and the area's character and appearance would be at odds with the Framework's overall environmental objectives.
27. Having regard to the above considerations, I find that the adverse impact of allowing the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development does not therefore weigh in favour of the proposal, and I have no reason to take a decision other than in accordance with the development plan.

Conclusion

28. For the reasons given above I dismiss the appeal.

M Chalk

INSPECTOR