
Appeal Decision

Site visit made on 11 August 2020

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2020

Appeal Ref: APP/C1570/D/20/3254380

Chinnor, 15 Cannons Lane, Hatfield Board Oak CM22 7HX

- 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 Ron Waite against the decision of Uttlesford District Council.
 - The application Ref UTT/20/0292/HHF, dated 5 February 2020, was refused by notice dated 1 April 2020.
 - The development proposed is replacement of existing garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Officer Report refers to additional concerns in respect of living conditions. However, the Council did not list this as a reason for refusal on the Decision Notice. Nevertheless, as the appellant has referred to the relevance of this matter to the appeal proposal in his Statement of Case, I have dealt with this as a substantive matter, as set out in the main issues below.

Main Issues

3. The main issues are the effect of the proposed development on: -
 - the character and appearance of the existing house and the street scene; and
 - the living conditions of the occupants of 14 Cannons Lane, with particular regard to outlook.

Reasons

Character and appearance

4. The appeal concerns a hardstanding area situated to the front of a large detached two-storey house to the north side of Cannons Lane. The house is rendered cream above a red brick plinth, with a red tiled pitched roof. An existing garage is sited at the eastern boundary with No 14, halfway between the house and footway. Given its low scale and materials of construction, the appearance of the existing garage contrasts with the more modern house erected on the site. Nevertheless, it is timber clad, modest in scale and height and situated beyond planting at the site frontage, so appears unassuming within the views east and west within the street scene.

5. The appellant indicates that the proposed garage would incorporate timber barn style doors and horizontal timber cladding, above a red brick plinth and a red tiled roof. As this would be consistent with elements utilised in the architectural composition of the house, the proposal would not be harmful to the character and appearance of the existing house.
6. The roof of the proposed garage would slope down toward the south and east boundaries of the site, which would assist in the reduction of the perception of its scale. Nevertheless, given that it would need to accommodate modern sized family cars and storage space, the proposal would be larger in scale than the existing garage and appear more visually prominent within the street scene, particularly as it would be situated closer to the street frontage and appear taller above existing planting within the site. Furthermore, while the houses in Cannons Lane vary in size, form and materials of construction, detached garages forward of houses are not commonplace. The proposed garage would therefore represent a strident built incursion that would be harmful to the character and appearance of the street scene.
7. I have been referred to the garage positioned forward of Kajamalai, which is opposite the site in Cannons Lane, and others at houses in Hammonds Road¹. However, these are either set against the backdrop of other existing buildings and/or landscaping or grouped with those houses. These would not therefore be comparable with the appeal proposal which would be situated some distance away from the house in an area with lower landscape features.
8. I appreciate that the appellant is no longer able to access his rear garden with vehicles, due to the width remaining either side of the house, and the existing garage may not be suitable for housing modern vehicles. The appellant therefore seeks secure accommodation for two family cars to reduce the potential for crime and antisocial behaviour and to maintain the cleanliness of the cars. However, there is no substantive evidence before me to suggest that other security deterrents and measures have been explored or would not be equally effective in addressing these matters. Furthermore, the appellant has also accepted that storage could be accommodated in a shed in his rear garden.
9. I note that planning permission was granted² for a replacement dwelling and garage at the appeal site. Although the description of development on the Decision Notice (DN) for that application refers to a garage, I understand that the application was amended during the course of determination and the garage was deleted from the proposal. Moreover, the approved plan³ referred to on the Notice appears to refer to the amended scheme, as no garage is shown.
10. Furthermore, subsequent to the abovementioned permission, the Council granted permission for a house with an alternative appearance⁴, including bay windows to the front elevation and a different roof pitch and height, and no new garage was shown on the application drawings. The house that now occupies the site appears to have been constructed on this basis.

¹ Evergreen, Ware Ponds House and Nos 3 and 5.

² Planning Reference: UTT/1156/05/FUL.

³ Drawing Reference: 3549-01 Revision A.

⁴ Planning Reference: UTT/1725/05/FUL.

11. Even if I were to consider that there is a 'fallback' position, the garage shown on what is believed to be the superseded plan was to the western side of the garden, directly against a backdrop of mature trees. What is more, the scale was broken down due to the L-shape plan form of the garage and separate store. This would not therefore be for a development that would be comparable with the appeal proposal which would be situated to the opposite side of the garden where the planting is lower.
12. Despite my findings in relation to the effect of the proposed garage on the existing house and the absence of objections from neighbours, I conclude that the proposed development would have a significantly harmful effect on the character and appearance of the street scene. Hence, the proposal would not accord with Policies GEN2 and S3 of the Uttlesford Local Plan (Adopted January 2005) (the LP), in this regard, which, amongst other things, seek to ensure that development is compatible with the scale, form, layout, appearance and materials of surrounding buildings; and the settlement's character. The proposed development would also be in conflict with paragraph 130 of the National Planning Policy Framework (the Framework), which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
13. I have not found against Policy GEN8 of the LP, as this refers to the number, design and layout of vehicle parking places in development and the Council did not find any harm in respect of this matter in its Officer Report.

Living conditions

14. The proposed garage would be situated in close proximity of the east boundary with No 14 and would be taller than the existing garage. However, given its design, scale and overall height, particularly the roof form, it is unlikely that the proposal would appear oppressive or imposing when viewed from the front garden of No 14. With this in mind, I conclude that the proposed development would not be harmful to the living conditions of the occupants of No 14. Hence, the proposal would accord with Policy GEN2 of the LP, in this regard, and paragraph 127 of the Framework, which together seek to ensure that proposals would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential property, as a result of overbearing impacts.
15. I have not found against Policy GEN4 of the LP, as the Council does not appear to have identified any concerns in respect of the matters dealt with by the policy in respect of good neighbourliness⁵.

Conclusion

16. While I have not found harm in relation to the living conditions of the occupants of 14 Cannons Lane, I have identified significant harm to the character and appearance of the street scene. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR

⁵ Noise or vibration, smell, dust, light, fumes, electromagnetic radiation and exposure to other pollutants.