
Appeal Decision

Site visit made on 18 August 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd September 2020

Appeal Ref: APP/C1570/W/20/3251158

Lion Cottage, Stortford Road, Little Canfield CM16 1SR

- 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 Mrs Sian Meads against the decision of Uttlesford District Council.
 - The application Ref UTT/20/0024/FUL, dated 16 December 2019, was refused by notice dated 6 March 2020.
 - The development proposed is detached bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the site represents a suitable location for the proposed dwellings, having regard to access to services and facilities.

Reasons

Character and appearance

3. The appeal site is located on Stortford Road and the dwellings within the vicinity of the appeal site form a loose linear pattern of development fronting the highway with reasonable sized gardens. Further along Stortford Road, towards Bishop Stortford the density of development increases significantly with more modern estate development.
4. The site comprises part of the curtilage of Lion Cottage, a detached dwelling which fronts onto Stortford Road. To the rear of the site a garden room is currently under construction and to the side of the dwelling is a detached garage. The proposed development would result in the subdivision of the existing site with the existing garage being severed from Lion Cottage and a dwelling erected to the rear of the site.

5. The dwelling, in combination with the other development on the site would result in a layout which would be very different from the character of the nearby spacious plots, which exist within the vicinity of the site. The proposed dwelling is single storey with a footprint which would extend to almost the full width of the plot with limited private amenity space at the rear and side of the dwelling.
6. Reference has been made to the Essex Design Guide (EDG), which whilst not forming part of the statutory Development Plan, is a document which is considered a model of good practice throughout Essex. The Council have provided an extract from the EDG, referring to the requirements for garden sizes. This suggests that garden sizes of 100 sq metres is easily achievable for three or more bedroom houses, provided houses are of a wide frontage.
7. The proposed floor plan indicates that the dwelling would have two bedrooms and the EDG suggest that such houses would usually have a small footprint and therefore the provision of 100 sq metres may not be practicable. I have not been provided with any evidence as to the exact size of the proposed garden, or that remaining for Lion Cottage.
8. The EDG recommends that for 2 bedroom dwellings the garden space should be entirely on the private, non-entrance side of the house and to contain a screened, un-overlooked sitting-out area adjacent to each house. The proposed dwelling would have double doors opening out from the main living areas onto the side of the plot, where there is only a small strip of amenity space. The main part of the amenity space would be located adjacent to the proposed front door and whilst there would be access to this space from the living room, it would primarily serve as access from the parking area and garage to the dwelling. Therefore I consider that the amenity space provided fails to meet the aims of the EDG which seeks to ensure that amenity space is provided at an acceptable and workable minimum size that accommodates most household activities and is at the same time adequate to offer visual delight, receive some sunshine, and encourage plant growth
9. The lack of appropriate amenity space and the increased density of development across the site would lead to an urbanising affect which would be both out of character and harmful to the overall appearance of this part of Stortford Road. For these reasons, therefore, the proposed development would introduce a discordant built form to the locality that would fail to protect or enhance the character of the countryside.
10. In conclusion, the proposed development would have a significantly harmful effect on the character and appearance of the area. Both in conflict with policy GEN2 of the Uttlesford Local Plan 2005 (LP) which looks for development to be compatible with the scale, form and layout of surrounding buildings and in this regard policy S7 of the LP which seeks to protect or enhance the particular character of the countryside.

Suitability of location

11. The site is outside of any defined settlement boundary and is therefore in the countryside for planning policy purposes. I have taken account that there are a number of dwellings located along Stortford Road and therefore given its grouping with other dwellings the site is not isolated in the context of paragraph 79 of the National Planning Policy Framework (the Framework).

12. The appeal site falls within the 'Countryside Protection Zone' (CPZ) surrounding Stansted Airport and is therefore subject to Policy S8 of the LP. This policy constrains new development, in order to retain the openness of the CPZ and to prevent coalescence between the airport and existing development in the surrounding countryside. The erection of 1 dwelling would inherently increase the built form at the site. However, I consider that the proposal would not cause the coalescence of the settlement with Stansted Airport and would not cause significantly greater harm to the openness of the wider countryside as the development would be limited to the same plot.
13. The appeal site is within the countryside where Policy S7 of the LP applies. The policy seeks to protect the countryside for its own sake by restricting development to that which needs to take place there, or is appropriate to a rural area. Whilst Policy S7 of the LP is only partially consistent with the Framework as it is more restrictive in that it seeks to protect the countryside for its own sake, it also seeks to protect and enhance the natural environment, which is an important part of the Framework. Therefore, I consider it should be afforded significant weight when considering development proposals in the countryside.
14. The village of Little Canfield is situated on the B1256 road, near the A120 and benefits from a range of services, including a school, shop and public house. Despite these facilities I accept that occupiers of the proposed development would also have to travel onwards to the services and facilities within the nearby town of Bishop Stortford to access a wider range of shopping, healthcare, leisure and entertainment facilities.
15. There are several bus stops within walking distance of the appeal site and Councils delegated report indicates that there is a regular bus service operating, therefore it would be possible for these services to be accessed via means other than the private car. Therefore, I consider that the site is reasonably well located in terms of access to services, facilities and amenities and this would ensure sufficient choice of travel by modes other than the private car.
16. Paragraph 78 of the Framework advises that where there are groups of smaller settlements, development in one village may support the services in a village nearby. Given the sites location close to the villages of Little Canfield and Takeley and the services within them, I consider that the development accords with the aims of paragraph 78.
17. In conclusion, the appeal site is a suitable location for housing having regard to access to services and facilities. Therefore, in this regard the development accords with policy S7 and S8 of the LP, which seeks to direct development to appropriate locations and to prevent coalescence between the airport and existing development in the surrounding countryside.

Planning Balance

18. It is not disputed that the Council is currently unable to demonstrate a 5 year supply of deliverable housing sites, with the evidence putting current supply at 2.68 years. Therefore, paragraph 11 of the Framework is engaged, whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.

19. I have taken into account that there would be modest social benefits arising from an additional dwelling, in an accessible location, that would contribute to housing supply in the area. Noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area. The economic benefits arising from construction would be short term and similarly limited.
20. On the other hand, I have found that the proposal would give rise to unacceptable harm to the local environment, as a result of the poorly designed built environment and in terms of access to amenity space. This is a matter I give significant weight, even though Policy S7 of the LP is not fully consistent with the Framework due to its more restrictive approach to protecting the countryside for its own sake.
21. Therefore, the identified adverse impacts of the development in respect of character and appearance would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

22. For the reasons given above, I find that the proposal conflicts with the development plan when considered as a whole. There are no other considerations that outweigh that conflict. I therefore conclude that the appeal should be dismissed.

G. Pannell

INSPECTOR