



Appeal Decision

Site visit made on 15 September 2020

by Jonathan Price BA(Hons) DMS DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 08 October 2020

Appeal Ref: APP/C1570/W/20/3247203

Land rear of Acre Croft, High Street, Great Chesterford, Essex CB10 1PL

- 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 Clarke against the decision of Uttlesford District Council.
 - The application Ref UTT/19/1725/FUL, dated 12 July 2019, was refused by notice dated 6 November 2019.
 - The development proposed is 3 new dwellings with associated garages from new access at land rear of Acre Croft (re-submission of previously approved scheme under references UTT/15/1424/OP and UTT/16/0328/DFO).
-

Decision

1. The appeal is dismissed

Main Issues

2. Whether the proposal would be appropriate in respect of (i) local and national policy for meeting housing need and (ii) highway safety.

Reasons

Policy for meeting housing needs

3. The proposal relates to the long back garden of Acre Croft; a detached dwelling fronting the High Street in Great Chesterford. To one side of this garden two homes have recently been constructed (Ashbee House and Webb House). To the other side is the car park and ancillary land at the rear of the Plough public house. This proposal is for three dwellings, a three-bedroom house immediately to the rear of the host property and two significantly larger ones beyond that, these each with seven bedrooms.
4. Policy H4 of the Uttlesford Local Plan of 2005 (LP) allows for backland development like that proposed provided criteria a) to d) are met. Criterion a) is that there is a significant under-use of the land in question and the development would make more effective use of this. The back garden is larger than required for the host dwelling and so I agree the land is significantly under-used. The tennis court occupying part of the site is not publicly available and so I attach little weight to any harm arising from the loss of this.
5. The combined footprint of the proposed buildings would make quite full use of the available land in a spatial sense. Compared to the status quo, the proposal inarguably makes more effective use of the land and complies with criterion a).

6. Criteria b) and c) require there be no material overlooking, overshadowing or overbearing effects in respect of nearby properties. The new houses would not cause material harm to the living conditions of the neighbours of either Ashbee House or Webb House through loss of daylight. However, the rear elevations of the first two dwellings beyond Acre Croft face the backs of these neighbouring houses. The proposed dwellings would have quite shallow back gardens for their size. Preventing any loss of neighbours' privacy or overbearing impacts on outlook would depend on maintaining the trees and other vegetation along the shared boundary. This might be achieved through a planning condition.
7. The house on the furthest plot would be sited end-on to the boundary with the immediate neighbour. Its first-floor end windows would serve a dressing room/bathroom and so could be conditioned to be fitted with obscure glass to avoid any possibility of over-looking. The relevant policy criterion could be satisfied in this regard.
8. However, the furthest large house comes close to the root protection areas of the adjacent boundary trees, with the double garage being within that of a mature ash. Conditions could require that construction adheres to an arboricultural method statement, so as to safeguard any affected trees. However, any residual harm to the health of the boundary trees, or future pressure for the thinning of any of these, could reduce this natural screening. This could result in this furthest dwelling having a rather overbearing impact on the aspect from the neighbouring house.
9. Criterion d) requires that access to backland proposals would not cause disturbance to nearby properties. The drive serving the development would run directly alongside the host property and there would inevitably be some degree of disturbance to its current and future occupiers from vehicular movements. This gives rise to some degree of conflict with criterion d). However, looking at the proposal in the round, and subject to the safeguards of appropriate conditions, the scheme would on balance satisfy LP Policy H4.
10. LP Policy 10 requires schemes such as that proposed to include a significant proportion of market housing comprising small properties. The Council refers to its Strategic Housing Market Assessment (SHMA) reporting that 44% of homes needed to be of three bedrooms to meet the predicted need. However, this percentage is not specified in the policy itself.
11. Two of the three houses would be very large. As a whole, over 80% of the bedrooms provided by the scheme would be within just the two larger houses. In my judgement the scheme does not provide a significant proportion of small market houses necessary to meet the need identified in the SHMA. Consequently, I find there to be conflict with LP Policy H10 in respect of this proposal not adequately addressing the housing mix requirements of the District and having an adverse impact on social cohesion.

Highway safety

12. Whilst two of the proposed houses are very large, the proposal for three dwellings would nonetheless generate a relatively low number of vehicular movements. The proposed junction and visibility onto the High Street would be adequate to safely accommodate these. Provided the private drive was of an adequate width for a reasonable distance from its junction with the High Street

and surfaced so as to avoid loose materials being carried onto the public highway, I find no material harm on road safety grounds.

13. Whilst the parking bays in the proposed double garages might be shorter than required by the Council's minimum standards, there would be adequate on-site parking space overall to result in little likelihood of this proposal adding to the pressure for parking on the adjacent public highway.
14. To conclude on this second main issue, and subject to any necessary conditions governing access design and construction, this proposal would not compromise the safety of road users to any material degree and therefore satisfies LP Policy GEN1.

Balance and Conclusion

15. The appeal site is outside the settlement boundary defined for Great Chesterford in the LP. However, the Council has already permitted housing beyond this limit. This includes the Thorpe Lea development of 31 dwellings to the rear of the appeal site and the aforementioned houses to its side. However, there is no dispute that the housing policies of the LP are out-of-date. This is principally due to their failure to ensure a five-year supply of deliverable housing sites within the District, required under the National Planning Policy Framework (the Framework).
16. This limits the weight I can give to any degree of conflict with the LP. In this situation, the greater weight is given to the Framework and the presumption in favour of sustainable development set out in paragraph 11, applying the so-called 'tilted balance' in part d) ii.
17. Framework policy is predicated upon achieving the overarching economic, social and environmental objectives of sustainable development in mutually supportive ways. The proposal is located close to the good range of supporting services provided in this settlement, including a primary school, doctors' surgery and train station, and the principle of housing on this site would be acceptable. Meeting the need for housing in this location would help reduce the overall need to travel and a dependence upon private car journeys. However, Paragraph 117 of the Framework seeks that decisions should promote an effective use of land in meeting the need for homes, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
18. Framework paragraph 122 requires decisions support development that makes efficient use of land. This includes the identified need for different types of housing, the availability and capacity of infrastructure and services, the scope to promote sustainable travel modes that limit future car use and the desirability of maintaining prevailing character to secure well-designed places.
19. Not only would the three dwellings proposed fail to make effective use of a site that benefits from good accessibility to services, the two larger houses would also be out-of-scale with the size of plots available. This would result in a rather cramped and incongruous form of development, out of keeping with the overall village character of generally more effective residential densities and varying levels of spaciousness. The scheme would therefore not maintain prevailing character or secure well-designed places. The three dwellings would fail to optimise the achievement of the Framework objective for significantly

boosting the supply of homes in a location which benefits from a good range of nearby services.

20. The three houses would provide modest social benefits towards meeting the under-supply of dwellings. Modest local economic benefits would derive from the construction and future servicing of the houses and the additional household spend. However, the adverse impacts I have found would significantly and demonstrably outweigh these small social and economic benefits, when assessed against the Framework policies taken as a whole. The proposal would therefore not benefit from the presumption in favour of sustainable development provided by paragraph 11. As a material consideration, this would thus not indicate the appeal be decided other than in accordance with the development plan, where I find there to be conflict as a whole and in terms of meeting housing need.
21. For the reasons set out above, having considered all further matters raised, I conclude that the appeal should be dismissed.

Jonathan Price

Inspector