



Appeal Decisions

Site visit made on 1 October 2020

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 13th October 2020

Appeal A Ref: APP/C1570/W/20/3250933

Cranberry Cottage, 24 Newbiggen Street, Thaxted CM6 2QR

- 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 J Cormack against the decision of Uttlesford District Council.
 - The application Ref UTT/20/0030/FUL, dated 8 January 2020, was refused by notice dated 5 March 2020.
 - The development proposed is extension plus external alterations of the existing garage and change of use to separate residential dwelling (C3).
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Appeal B Ref: APP/C1570/Y/20/3250934

Cranberry Cottage, 24 Newbiggen Street, Thaxted CM6 2QR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr J Cormack against the decision of Uttlesford District Council.
 - The application Ref UTT/20/0031/LB, dated 8 January 2020, was refused by notice dated 5 March 2020.
 - The works proposed are the same as Appeal A.
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Decisions

1. The appeals are dismissed.

Main Issues

2. The main issue for both appeals is whether the proposal would preserve the special interest of the Grade II listed building known as 24 Newbiggen Street.
3. The main issues for Appeal A only are:
 - a) the effect of the proposal on the character and appearance of Thaxted Conservation Area;
 - b) whether the proposal would provide suitable living conditions for future occupiers of the dwelling with regard to private outdoor space; and
 - c) the effect of the proposal on highway safety and parking.

Reasons

Listed building

4. 24 Newbiggen Street is listed Grade II and forms part of a single listed building entry known as Nos 22 and 24 Newbiggen Street. It dates from the early 19th century as a brick and timber framed property with sash windows, a slate roof and brick chimneystack. These architectural and historic details contribute positively to the special interest of the listed building.

5. The appeal site comprises an existing timber framed building at the end of the rear garden to No 24. It has a corrugated metal roof and a number of openings including a large garage door onto Vicarage Lane at the rear. There are historic timbers and some of the building was in-situ prior to July 1948. The main parties accept that the building forms part of the listed building at No 24 by virtue of its curtilage status.
6. It is important to note that the building is not listed in its own right. Its relevance in listed building terms lies in the contribution it makes to the special interest and significance of the listed building at No 24. There is a visual link between the building and No 24. Historically, there were a number of workshops to the rear of Newbiggen Street along Vicarage Lane. Thus, along with the surviving historic fabric and its pleasant timber clad appearance, the structure makes a positive contribution to the listed building as an ancillary residential structure. The garage door, whilst modern, has the appearance of a painted timber door and so does not detract from the building. The existing roof is simple and not out of place.
7. The proposal would retain the timber appearance and frame of the building but would significantly enlarge the building's footprint. Existing openings and historic timber fabric would either be removed or obscured according to the plans. There would be a fence between the new dwelling and No 24, reducing the visual and historic links. The character and appearance of the building as an ancillary structure would also be diminished. There is little evidence to suggest that the viability of No 24 would be compromised, but nevertheless, the proposal would cause harm to the special interest and significance of the listed building due to the alterations to a historic curtilage structure.
8. The harm would be less than substantial but still important due to the degree of alterations. Paragraph 196 of the National Planning Policy Framework (NPPF) requires such harm to be weighed against the public benefits of the proposal.
9. The proposal would result in the provision of a one person occupancy house in a district where the Council can only demonstrate less than 3 years' worth of a 5 year housing land supply. However, as a single dwelling, the contribution to local housing stock and supply would be very modest. Moreover, while Thaxted might have limited scope for new housing, it has not been demonstrated that there are no other sites available. For example, the Thaxted Neighbourhood Plan 2017-2033 (TNP) allocates a number of small sites for housing. The site has good access to the services and facilities within Thaxted, but that could apply equally to other sites. The removal of the existing garage door and replacement of the roof would not represent improvements given that neither are unsightly. The existing building may be neglected but is in a reasonable condition and could continue to be used for ancillary residential purposes. Thus, the public benefits would be insufficient to outweigh the harm to the listed building.
10. Concluding on this main issue, the proposal would not preserve the special interest of the listed building at 24 Newbiggen Street. Therefore, it would not accord with Policy ENV2 of the Uttlesford Local Plan 2005 (ULP) or TNP Policies TX HC1, TX HD1 and TX HD10. Amongst other things, these policies seek proposals that are in keeping with listed buildings and conserve or enhance heritage assets. The proposal would also not comply with NPPF paragraph 196 as the public benefits would not outweigh the harm.

Conservation Area

11. Thaxted Conservation Area incorporates the historic core of the settlement and a number of approaches into the centre. Its character and appearance, along with its significance, is strongly informed by the high quality nature of historic buildings, townscapes and spaces.
12. Newbiggen Street is the principal approach into the centre from the north with a range of colourful historic properties. To the rear, Vicarage Lane is a narrow lane lined with a mix of buildings. On the east side are later 20th century dwellings, while the buildings along the west side are generally older. As noted above, historically there were a number of workshops along the lane. Most of the buildings today are in ancillary residential use. Thus, the lane retains architectural and historic interest as part of Thaxted's development and contributes positively to the conservation area. The appeal building forms part of this group of historic ancillary structures. The existing garage door and roof do not detract and the overall building has an attractive timber clad appearance. Thus, it makes a positive contribution the conservation area.
13. The proposal would retain the timber appearance and frame of the building but would significantly enlarge the building's footprint to create a separate dwelling. As a consequence, the character and appearance of the building as an ancillary structure would be diminished which would also detract from the character and appearance of Vicarage Lane. Thus, the proposal would cause harm to the significance of the conservation area.
14. The harm would be less than substantial but still important due to the degree of alterations to a historic structure within the conservation area. Having regard to NPPF paragraph 196, the public benefits are the same as for the previous main issue and carry no more than modest weight. As such, they would be insufficient to outweigh the harm to the conservation area.
15. Concluding on this main issue, the proposal in terms of Appeal A would have harmful effect on the conservation area. Therefore, the proposal would not accord with ULP Policy ENV1 and GEN2 or TNP Policies TX HC1, TX HD1 and TX HD10. Amongst other things, these policies require proposals to conserve or enhance conservation areas with designs that are compatible with the surrounding area. The proposal would also not comply with NPPF paragraph 196 as the public benefits would not outweigh the harm.

Future living conditions

16. The majority of properties along this part of Newbiggen Street and Vicarage Lane have reasonable sized gardens or yards. Due to the proposed extension and the limited size of the site, the only private outdoor space would be very short and narrow at the rear. To ensure privacy with the rear garden of No 24, it would be enclosed by a 1800mm fence. Allowing for bin and bike storage, the size of the outdoor space would be considerably less than the recommended 50sqm in the Essex Design Guide (EDG).
17. While the outdoor space would be larger than a balcony to a flat, this is not a highly urban location and the development itself is a bungalow. There are a number of public open spaces within walking distance of the site which would provide some alternative options. However, the amount of private outdoor space would not be comparable to neighbouring properties and would be

significantly under what most future occupiers are likely to expect. They are unlikely to enjoy or utilise fully their private outdoor space due to its very limited size and enclosure. As such, it would not represent good design.

18. In conclusion, the proposal in terms of Appeal A would have a detrimental effect on the living conditions of future occupiers of the dwelling with regard to private outdoor space. Therefore, it would not accord with ULP Policy GEN2 which seeks, amongst other things, to provide an environment which meets the reasonable needs of all potential users. It would not follow the EDG's approach to minimum garden sizes and would not comply with NPPF paragraph 127 which seeks a high standard of amenity for future users of places.

Highway safety and parking

19. Newbiggen Street forms part of the B184 whose function is to carry traffic between Saffron Walden and Great Dunmow. There is little off-street parking on Newbiggen Street as the buildings front the pavement, particularly nearer to the town centre. Vehicles tend to park on the pavement parallel to and overhanging the road. At the time of my late morning site visit, the road was busy with traffic including larger vehicles negotiating parked cars. There was a reasonable amount of parking on the pavement. Whilst only a snapshot, it is evidently a busy through-road while parking demand is likely to be greater at certain times of day when more people are home.
20. Vicarage Lane is narrow and can only accommodate a single vehicle in either direction. The properties on the east side have off-street parking while the buildings along the west side include garages. No vehicles were parked on the lane during my site visit. Space for parking on Margaret Street and Bell Lane was limited.
21. The existing appeal building has evidently been used as garage in the past, not least due to the large garage doors fronting the lane. Internally the space is restricted especially for modern vehicles. Although it may have accommodated vehicle parking previously for the occupants of No 24, it seems unlikely to do so now. Thus, the proposal would not result in the loss of existing off-street parking provision for No 24.
22. The site is a short walking distance from the town centre and various shops and services. However, Thaxted is not a large settlement and so it is reasonable to expect that future occupants would need to travel elsewhere for a wider range of services and employment. There are bus routes but services are not particularly frequent. Therefore, it is likely that future occupants would have access to their own car and need parking provision.
23. Parking standards¹ adopted by the Council seek the provision of one off-street space for the size of dwelling. The proposal is unable to accommodate any parking and so parking would take place elsewhere. Vicarage Lane is too narrow for parking while the public car park on Margaret Street is not intended for residents' parking. Therefore, any parking is likely to take place on neighbouring roads including Newbiggen Street. Given the existing parking demand on these roads, and the busy nature of Newbiggen Street in particular, this would have a negative effect on the flow of traffic and highway safety.

¹ Uttlesford Local Residential Parking Standards 2013 and Essex County Council Parking Standards Design and Good Practice 2009

24. Concluding on this main issue, the proposal in terms of Appeal A would have a negative effect on highway safety and parking. Therefore, it would not accord with ULP Policies GEN1 and GEN8 which, amongst other things, require proposals to avoid compromising road safety and meet parking standards. The lack of parking provision would not follow the parking standards referenced above. The proposal would also be contrary to NPPF paragraph 109 which seeks to prevent development on highway grounds if there would be an unacceptable impact on highway safety.

Planning balance

25. The Council accepts that it cannot demonstrate a 5 year housing land supply. As a consequence, policies that are most important for determining the proposal are out of date based on NPPF paragraph 11(d) and footnote 7. However, I have already found that the harm to designated heritage assets would not be outweighed by the public benefits. Having regard to NPPF paragraph 11(d)(i) and footnote 6, this provides a clear reason for refusing the proposal. Therefore, the presumption in favour of sustainable development would not apply. The proposal would be contrary to the development plan which indicates that planning permission should not be granted for Appeal A.
26. The proposal in terms of Appeal B would not preserve the special interest or significance of the listed building. This also indicates that listed building consent should not be granted for Appeal B.

Conclusions

27. For the above reasons, and having had regard to all other matters raised, I conclude that both appeals should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR