
Appeal Decision

Site visit made on 15 December 2020

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th January 2021

Appeal Ref: APP/C1570/W/20/3259099

Side Stream, High Street, Clavering, Saffron Walden, Essex CB11 4QR

- 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 Reading against the decision of Uttlesford District Council.
 - The application Ref UTT/20/0667/FUL, dated 11 March 2020, was refused by notice dated 30 June 2020.
 - The development proposed is for 6 dwellings (mixed/affordable) including widening of existing bridge.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal documents refer to a listed property as both Fox and Hounds Inn as well as Fox and Hounds public house. For consistency I have referred to it as the Fox and Hounds Inn as that is the name matching the submitted listing.

Main Issues

3. The main issues are the effect of the development on:-
 - The character and appearance of the Clavering Conservation Area (CA) having regard to the setting of nearby Grade II listed buildings;
 - Highway safety in terms of parking and access;
 - Ecology; and whether flood risks would be acceptable.

Reasons

Heritage

4. The appeal site is an undeveloped area of scrub land containing trees. It is located within the Clavering CA. The CA contains properties with varying individual architectural qualities including a number of grade II listed buildings close to the site on the opposite side of the road (namely the Fox and Hounds Inn; Home Farmhouse; Home Farm Cottage and The Small House). There is also a locally listed property in close vicinity. The listed buildings, other properties, as well as a high number of trees and greenery situated along a largely linear road structure form attractive components of the character and appearance of the CA.

5. I am conscious of my legal duty under Section 72(1) of the Town and Country Planning Listed Building and Conservation Area Act 1990 (the Act), to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. I am equally cognisant of Section 66(1) of the Act which requires me to have special regard to the desirability of preserving the setting of listed buildings.
6. The Council's CA Appraisal and Management Proposals (2007) document highlights trees and greenery as being important to the areas character and appearance. This includes direct references to the appeal site. It specifically mentions trees and a dense area of scrub as providing a screen to the development on Colehills Close, preventing those modern buildings from intruding upon the historic street scene of the High Street. The site is identified as being part of an unbroken line of greenery which extends almost to the core of the village linking the open space of Hill Green. It highlights that trees and scrub on the north side of the High Street opposite the Fox and Hounds Inn acts as an important buffer.
7. I acknowledge that the appellant refers to a strip of trees which would remain facing the road. Nevertheless, the development would be visible from the proposed access and through gaps in the boundary trees. The proposed new housing would eliminate most of the open space within the site boundary and dominate over existing greenery. It would result in a corrosive urbanising effect. Such a change would be noticeable and would erode from the attractive qualities of the CA.
8. The historic development pattern emphasised by the CA designation is largely linear and does not include prominent in-depth development. The introduction of a cul-de-sac layout in such a sensitive part of the village directly opposite the Fox and Hounds Inn and the neighbouring listed buildings either side of it would be at odds with the established road structure of the village and its most attractive qualities.
9. Furthermore, the appeal dwellings would appear as uninspiring suburban homes which are too closely grouped together compared to other nearby detached properties within the CA. The terraced properties within the appeal scheme also have no specific design reference to the local area. None of these elements of the scheme would reflect the specific character of the location where historic buildings are detached, have more generous separation and incorporate a range of eighteenth-century architectural details on their main frontages. This leads to an insensitively designed scheme having regard to the position of the listed buildings within the CA.
10. The resultant effects of the scheme when considered individually, or in combination, would create substantial and long-lasting damage to the character and appearance of the CA. The development would impact negatively on the appreciation of the historic development of the village and the contribution the listed buildings make within the area. This would lead to an adverse impact to the setting of the Fox and Hounds Inn directly opposite and the other listed buildings along the road.
11. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. It states that when considering the impact of a proposed development on the significance of a designated asset great weight

should be given to the asset's conservation. The more important the asset the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The harm evident would impact on a localised part of the CA when considered as a whole. Thus, I consider the harm would be less than substantial when applying the terms of the Framework.

12. I find that the development would harm the character and appearance of the CA and the setting of listed buildings within it. The development would conflict with Policy S7, Policy ENV1, Policy ENV2 and Policy ENV3 of the Uttlesford Local Plan ULP (2005) which seek to: protect or enhance the particular character of the countryside; preserve or enhance the character and appearance of the essential features of a CA; preserve the setting of listed buildings; prevent the traditional loss of open spaces, or other visually important spaces. There would also be conflict with the social and environmental roles of sustainability detailed in the Framework because the proposal would not be well designed or protect or enhance the historic environment.

Highway safety

13. There is dispute whether the scheme has overcome the objections of the Highway Authority. This in part relates to parking provision referred to in the Essex Parking Standards - The Parking Standards: Design and Good Practice (September 2009). The document requires a distance of 6 metres behind vehicular parking spaces to allow safe manoeuvring. The submitted plans do not show 6 metres is achieved behind a number of parking spaces. This would lead to substandard pedestrian safety.
14. Furthermore, a swept path analysis within the appeal documentation demonstrates a refuse vehicle overhanging a pedestrian footway when entering and exiting the site. Vehicles overhanging a footway in this way would be detrimental to pedestrian safety.
15. I accept that the appeal site plan shows an access mouth with no footways to overcome this issue. However, the absence of a footway within the limits of the site coupled with the fact there are no pedestrian footways on this side of the High Street would be detrimental to pedestrian safety.
16. I am also unconvinced that the required visibility splays of 2.4 metres by 43 metres can be realistically achieved in both directions. This is because the alignment of the High Street features a noticeable bend to one side of the access. A lack of visibility would also result in an unacceptable impact to public safety.
17. I therefore conclude that the development would have an adverse impact on highway safety. The development would conflict with Policies GEN1 and GEN8 of the ULP which seek to provide safe access onto the main road network; and that the design and layout of vehicle parking places proposed is appropriate for the location. There would also be conflict with Section 9 of the Framework which has similar objectives. As a result, it would be out of step with the social objective of achieving sustainable development.

Ecology

18. I accept that the appeal site as undeveloped land within a wider corridor of trees is likely to provide a habitat to a rich variety of wildlife. I am also

cognisant of the statutory protections afforded to protected species which may be present. There is insufficient information accompanying the appeal scheme to properly conclude what the ecological impact of the development would be. I therefore agree with the Council's assessment that the appellant has not demonstrated that the ecological impacts of the scheme are acceptable.

19. In the absence of adequate information to conclude otherwise I find that the development would be likely to be harmful to ecology. This would be contrary to Local Plan Policies GEN7 and ENV8 which in combination seek to protect wildlife from harm and secure measures to mitigate and/or compensate for the potential impacts of development on local habitats. It would also conflict with Paragraph 170 of the Framework which seeks that decisions contribute to and enhance the natural and local environment.

Flood risk

20. There is a stream running alongside the front of the site. The appellant's Flood Risk Report refers to the road outside of the appeal site being in a Flood Protection Zone. It is disputed by parties if the site falls within flood zone 3 and 2 which triggers the need for a Flood Risk Assessment (FRA). I note that the Environment Agency (EA) has raised a holding objection on the basis that the site falls within these zones. I accept there is no conclusive evidence to confirm the status of the flood zone which should be applied. But in the circumstances, I give substantial weight to the advice of the EA and the presence of the stream as a potential flood risk issue.
21. Therefore, I conclude that there is inadequate information demonstrating that flood risks are properly accounted for and can be successfully managed through suitable adaptation measures. The development would be contrary to Local Plan Policy GEN3 which seeks to prevent flooding issues as well as Paragraph 150 of the Framework which seeks that new development is planned so that it avoids increased vulnerability to the range of impacts arising from climate change; and within vulnerable areas new development can be properly managed through suitable adaptation measures.

Other Matters

22. The appeal site is beyond the limits of a defined village boundary and is treated as falling within the open countryside by the ULP. I acknowledge the appellant's points that Clavering has a church, two pubs, a primary school, and a village shop and therefore the site does have access to some local services nearby. But there is no evidence of any nearby public transport provision. Therefore, potential occupants of the development would be reliant on motor car use for other services and employment opportunities further afield.
23. The development is described as providing market as well as affordable housing. It is not demonstrated how affordable housing would be successfully delivered. Therefore, I give reference to that provision no significant weight.
24. Appeal decision APP/C1570/W/20/3251087 have been referred to but I have not been provided the full details of those cases. In any event the appeal before me concerns a unique set of planning considerations related to a different site. As a result, I do not find those other appeals are significant to my decision or any subsequent balancing exercise which is triggered.

Planning Balance and Conclusion

25. I have identified that there is clear conflict evident with the ULP in terms of harm relating to: CA character and appearance matters including the setting of listed buildings; highway safety; ecology and managing flood risk in a location which has limited services and access to public transport.
26. I acknowledge that the Council do not have a 5-year housing land supply. The most up to date figure referred to by parties suggests a supply of 2.68 years. In my assessment of heritage matters I have found there to be less than substantial harm to the CA but in doing so the Framework leads me to assess the public benefits of the proposal. The benefit of providing additional housing within an administrative area which lacks a 5-year housing land does not outweigh the harm identified and I have not been referred to any other public benefits which attract significant weight. This results in demonstrable conflict with Paragraph 193 of the Framework because harm to the CA does not have a clear and convincing justification and the Framework requires great weight to be given to the conservation of designated heritage assets.
27. In view of the above, the policies in the Framework related to designated heritage assets provide a clear reason for refusing the development. Consequently, the tilted balance within the Framework is not engaged. There would be conflict with the environmental and social objectives of sustainability which weigh against the scheme. Thus, the appeal scheme would not constitute a sustainable form of development.
28. The benefits of the scheme referred to by the appellant include boosting local housing land supply; providing employment and reinforcing the vitality of the village. But those benefits are commensurate to six dwellings within a sensitive location therefore in that context I give those benefits modest weight in my overall conclusion. The adverse impacts of allowing the scheme would significantly and demonstrably outweigh the benefits, when assessed against the ULP and the policies of the Framework taken as a whole.
29. For the reasons given above the appeal does not succeed.

M Shrigley

INSPECTOR