



Appeal Decision

Site Visit made on 8 February 2021

by Mr I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 1 March 2021

Appeal Ref: APP/C1570/D/20/3264380

22 Mandeville Road, Saffron Walden CB11 4AQ

- 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 & Mrs Goodman against the decision of Uttlesford District Council.
- The application Ref UTT/20/1825/HHF, dated 24 July 2020, was refused by notice dated 16 September 2020.
- The development proposed is proposed replacement garage.

Decision

1. The appeal is allowed and planning permission is granted for proposed replacement garage at 22 Mandeville Road, Saffron Walden CB11 4AQ in accordance with the terms of the application, Ref UTT/20/1825/HHF, dated 24 July 2020, and the plans submitted with it, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling at 22 Mandeville Road.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans.

Title	Drawing No
EXISTING FLOOR PLANS AND ELEVATIONS	G/4170/20/EX-01
PROPOSED FLOOR PLANS AND ELEVATIONS	G/4170/20/PL-01 Rev A
BLOCK AND LOCATION PLAN	M/4170/20/PL-02 Rev A
PROPOSED SITE SECTION	G/4170/20/PL-20

- 4) No construction work, other than site clearance, shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows shall be inserted in the

roof slopes or gable ends of the garage hereby permitted apart from those expressly authorised as part of this permission.

Preliminary Matter

2. Accompanying their statement, the appellants provided an additional plan entitled PROPOSED SITE SECTION, drawing reference G/4170/20/PL-20. This plan does not alter the design of the building but provides relative levels for the proposal and adjacent area. The Council have had the opportunity to comment on the information provided by the plan and I therefore accept the additional plan on the basis that no party would be prejudiced by my doing so. I will return to this matter later.

Main Issues

3. The main issues are the effect of the proposal on:
 - The character and appearance of the site and the surrounding area; and
 - The living conditions of occupiers of 9 Crawley Hobbs Close, with particular regard to enclosure and overshadowing.

Reasons

Character and Appearance

4. 22 Mandeville Road is a substantial two storey detached dwelling situated at the end of a residential cul-de-sac. The properties fronting Mandeville Road vary in design, but are generally substantial buildings, set in large plots, and several have outbuildings associated with them. The neighbouring property, 20 Mandeville Road, has a large outbuilding with a pitched roof to its rear, close to the boundary with No 22.
5. To the rear of No 22 is Crawley Hobbs Close, a relatively modern residential development. The site rises gently from Mandeville Road and, on its boundary with the dwelling to the rear (9 Crawley Hobbs Close), lies a low retaining wall surmounted by a fence. Within this boundary is a hedge of tall coniferous trees.
6. The proposal would demolish an existing, modest garage with a flat roof to the rear of the site and replace it with a larger building, for the same purpose, in the north-east corner, adjacent to the boundaries with No 20 and the dwelling to the rear. The means of accessing the garage by vehicle would remain the same, via a vehicular accessway running along the south side of the site.
7. The proposed garage would increase the overall built form within the site, providing a rectangular single storey building with a pitched roof incorporating three skylights, and would be higher, wider, and longer than the existing garage. However it would, in comparison with the substantial built form of the existing dwelling and its position in regard to that, remain subservient to the house. The building would be constructed using external materials matching those of the main dwelling.
8. There are other garages and outbuildings associated with the neighbouring dwellings, most notably that in the garden of No 22 of similar scale, and with pitched roofs. The proposed garage would have a similar relationship, spatially to that building in regard to its host dwelling.

9. The space within the building would exceed the minimum dimensions for a single garage of 7m x 3m set out within the Essex County Council Parking Standards: Design and Good Practice -2009- (the Parking Standards). These, however, are minimum standards.
10. It is not unusual for garages to incorporate subsidiary functions, such as storage or workshop space for the use of the main dwelling and there is nothing before me to suggest that the proposal would be excessively large for such combined use.
11. The building would incorporate windows facing towards the main dwelling, and skylights in the western side of the roof. Whilst the provision of windows is less common in garages, they are not unusual in outbuildings and they would reduce the reliance on artificial light within the building. The presence of the windows in the garage does not, in itself, undermine the appearance of the building as an outbuilding associated with a dwelling.
12. While there would be restricted views of the proposed building from the road, vehicular access and from windows of nearby dwellings, the built form of the proposal would not be out-of-keeping with the main building or the surrounding area.
13. Whilst the dimensions of the existing garage would not meet the minimum current expectation for its use, I note that No 22 provides sufficient parking spaces within the site to satisfy the requirements of the Parking Standards. There is not, therefore a need for additional parking. However that does not mean that the occupiers of the dwelling should be unable to replace the existing garage to provide a building capable of fulfilling its function.
14. I therefore find that the proposal would not result in harm to the character and appearance of the site or the surrounding area and would comply with Policies S1 and GEN2 of the Uttlesford Local Plan -2005- (the Local Plan) in as much as these require, amongst other things, that development proposals should be compatible with the character of the settlement and scale, form, layout, appearance and materials of surrounding buildings.

Living conditions

15. 9 Crawley Hobbs Close has a small rear garden and side accessway to the rear of the site on its common boundary with No 22. Currently the fence and height of the hedge adjacent to it provides a sense of enclosure within the garden and side accessway of No 9 close to the fence.
16. The eaves of the proposed building would be roughly on a level with the top of the fence between No 9 and No 22. However the roof would rise above this.
17. The roof would, however, slope sharply away from the fence. This would diminish the perception of the built form of the roof for anyone standing in the side accessway or garden close to the fence.
18. The proposal would be positioned to the west of the garden of No 9. Whilst no shadow survey has been submitted, given the proposed location and roof form of the garage it is unlikely that the proposal would result in significant levels of additional overshadowing of the garden and side passageway of No 9, particularly when compared to that resulting from the existing fence and hedge. Further the areas likely to experience overshadowing would be close to

the boundary, in a side passage, rather than those areas of garden providing the principle amenity space.

19. I therefore conclude that the proposed garage would not result in material harm to the amenity of occupiers of 9 Crawley Hobbs Close, with particular regard to enclosure and overshadowing, and would therefore accord with the aims of Policies S1 and GEN2 of the Local Plan in as much as these, amongst other things, seek to ensure that development would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential property as a result of overbearing impact or overshadowing.

Other Matters

20. Concerns have been raised regarding the scale of the proposed building, which would be similar to a small dwelling. However, the proposal before me is for a garage, and would be an outbuilding ancillary to the main dwelling. I have determined this appeal on that basis.
21. Neighbours have raised concerns regarding the use of the vehicular accessway by construction traffic, potential changes to its layout and the effect of the proposal on a tree retained within the site. The proposed access is not proposed to be altered and I have no substantive evidence before me to demonstrate that it is unsuitable for the level and type of traffic that will be engendered by the construction of the proposal. Similarly there is no substantive evidence before me to demonstrate that any retained trees are in danger from the proposal.

Conditions

22. I have had regard to the planning conditions suggested by the Council, the appellants and the Parish Council. The appellants and the Council have had the opportunity to comment on these.
23. In addition to the standard condition stipulating time limits I have placed a condition upon the development requiring that it be built in accordance with the approved plans, together with a condition requiring the submission of proposed materials to be used to match those of the existing host dwelling. These are necessary for the avoidance of doubt, in the interest of certainty and to ensure that the development will be appropriate to the character of the area.
24. These conditions correspond to conditions suggested by the Council. However, I have amended the wording for clarity.
25. The appellants have proposed conditions requiring the formal agreement of finished floor levels, and that no additional windows are inserted within the roof slopes or first floor gable ends, other than those shown on the application plans. The building would be close to the boundaries of neighbours' properties and these conditions are necessary for certainty and to prevent over-looking or the perception of overlooking of private gardens.
26. The Parish Council have suggested a condition preventing the new garage being converted for use as a residential dwelling at a later date. The appellants have indicated that they would be willing to accept such a condition. Nevertheless such a conversion would require planning permission. As such the proposed condition would be unnecessary.

Conclusion

27. For the reasons given I conclude that the appeal should succeed.

I Dyer

INSPECTOR