
Appeal Decision

Site visit made on 7 April 2021

by R Bartlett PGDIP URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2021

Appeal Ref: APP/C1570/W/20/3263061

Land Rear of The Old Bakery, The Street, Takeley, CM22 6QR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for approval of details required by a condition of a planning permission.
 - The appeal is made by Mr Matthew Hammond against Uttlesford District Council.
 - The application Ref UTT/20/1752/DFO, is dated 17 July 2020.
 - The development proposed is erection of 2 no. dwellings.
 - The details for which approval is sought are the appearance, landscaping, layout and scale.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site already has outline planning permission for the erection of 2no. dwellings, including means of access, following the demolition of the existing storage sheds on the site. Accordingly, it is only the detailed matters, which were reserved by condition, that are subject to consideration in this appeal.

Main Issues

3. The main issues are the effect of the appearance, layout and scale of the proposed dwellings on the setting of the adjacent Grade II listed building and on the living conditions of occupiers of The Old Bakery and Saddlers.

Reasons

Setting of the listed building

4. The appeal site is located adjacent to The Old Bakery and Saddlers, which is a sixteenth century dwelling with an attached, converted, eighteenth century former stable range. The whole of the building is Grade II listed, although it is unclear, from the information before me, whether this listed building comprises one dwelling or more. The original house is 2 storeys with a timber frame, plastered walls that are painted grey and a plain red tiled, half hipped roof. To the rear there are modern windows and a large single storey extension with a grey slate effect pitched roof. The adjoining converted stable range is constructed of red brick with a steep plain red tiled, pitched roof. The eastern elevation comprises modern windows and several large roof lights.
5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the decision maker, in considering whether to grant permission

for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.

6. Paragraph 189 of the National Planning Policy Framework (the Framework) requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. As a minimum, it is expected that the relevant historic environment record should have been consulted and the heritage asset assessed using appropriate expertise where necessary. This minimum requirement has not been complied with in this case.
7. In granting outline planning permission the council was clearly comfortable, when considering its statutory duty, that 2 dwellings could be achieved on the site without causing harm to the setting of the listed building. However, this does not negate the need for the reserved matters to also be informed by the significance of the listed building and the need to preserve its setting.
8. The dwellings currently proposed, by virtue of their height, scale and proximity to the listed building, would be over dominant and detrimental to its setting, which at present consists of a relatively open and leafy green backdrop. Although difficult to accurately assess without a topographical survey showing existing and proposed ground and building levels, it would appear that the top of the new dwellings would be visible behind the listed building when viewed from the main road.
9. The appellant argues that the documents and drawings submitted with the outline planning application made reference to two-storey dwellings with three or four bedrooms. However, as the outline application reserved all matters other than access, any other details would have been treated as indicative only. Had the appellant wished the floor areas, number of bedrooms and the type and number of storeys in the buildings to be considered at outline stage then scale and appearance should not have been reserved. The council's suggestion of providing rooms within the roof space would still amount to two-storeys and would still facilitate 3 bedrooms.
10. In addition to the above, the lack of any architectural features or detailing and the absence of information relating to the proposed materials, fails to demonstrate that the proposed development would have a satisfactory appearance that reflects the setting of the listed building or would achieve a high standard of design that takes the opportunity to improve the character and quality of the area in accordance with paragraph 130 of the Framework.
11. I acknowledge that the layout of the site focusses heavily on ensuring the dwellings would be sited within the village development limit boundary. However, the principle of development on the appeal site has already been granted by the outline planning permission and there is nothing within that permission to suggest that the dwellings must be sited wholly inside of the development limit boundary. Moreover, the council's report advises that it is unable to demonstrate a 5 year supply of housing land, with current supply being estimated at 3.11 years. Accordingly, its policies that restrict housing in the countryside protection zone (CPZ) would be afforded reduced weight.
12. In view of the above and based upon my own observations of the site and its surroundings, a slight encroachment of the dwellings beyond the development limit boundary would not necessarily result in any substantial harm to the CPZ,

subject to appropriate scale and design. The statutory duty to protect the setting of the listed building would carry greater weight than the minor conflict with other out of date policies.

13. I therefore conclude on this main issue that the proposal would be harmful to the setting of the listed building but the harm to this designated heritage asset would be less than substantial. Paragraph 196 of the Framework is clear that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this case no benefits have been put forward that would justify the harm caused by the unacceptable siting, scale and appearance of the proposed dwellings.
14. The proposal would therefore be contrary to the historic environment aims of the Framework and would conflict with Policies GEN2 and ENV2 of the Uttlesford Local Plan (2005) (ULP), which require new development to be compatible with the scale, form, layout, appearance and materials of surrounding buildings and state that development proposals that adversely affect the setting of a listed building will not be permitted.

Living conditions

15. It was apparent from my site visit that the appeal site is slightly lower than that of The Old Bakery. However, as no topographic survey or sectional drawings have been provided, it is difficult to accurately assess the difference in levels and the full extent of any overlooking and overshadowing.
16. The proposed dwelling on the eastern plot would not, in my view, result in any harm to the living conditions of any neighbouring residents. The dwelling on the western plot however, due to its height and proximity to the southern and western boundaries, would appear over bearing and would overshadow the part of the garden of The Old Bakery which is situated immediately to the rear of its sun room extension.
17. First floor windows to the front of the dwelling on the western plot would also overlook rear windows, the rear extension and garden space immediately to the rear of the Old Bakery and Saddlers, resulting in an unacceptable loss of privacy to its occupiers.
18. The proposal would therefore conflict with Policies GEN2 and H4 of the ULP, which states that development will not be permitted where it would have a materially adverse effect on the reasonable occupation and enjoyment of a residential property through overlooking, overshadowing or being over bearing

Other Matters

19. The appeal also seeks approval of the reserved landscaping details. Submitted drawing no. 409-PLA-147 identifies the approximate position of some existing trees to be retained and some new native species hedge planting around the external site boundaries. Although this would be generally acceptable, the plans do not accurately reflect what is currently on the site and the site plan, site view and other plans, show conflicting information relating to landscaping and boundary treatments. In order to approve the landscaping more accurate, consistent and detailed information would be required.

Conclusion

20. For the reasons given, and having had regard to all other matters raised, the appeal is dismissed.

Rachael Bartlett

INSPECTOR