



Appeal Decision

Site Visit made on 1 June 2021

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2021

Appeal Ref: APP/C1570/W/20/3264890

Templars Farmhouse, Templars Farm, Holders Green Road, Lindsell CM6 3QL

- 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 JGA against the decision of Uttlesford District Council.
- The application Ref UTT/20/2345/FUL, dated 16 September 2020, was refused by notice dated 11 November 2020.
- The development proposed is described as the “replacement of the existing two storey dwelling with the erection of a pair of two storey semi-detached dwellings, with associated access, parking and amenity (re-submission of UTT/20/1579/FUL)”.

Decision

1. The appeal is allowed and planning permission is granted for replacement of the existing two storey dwelling with the erection of a pair of two storey semi-detached dwellings, with associated access, parking and amenity (re-submission of UTT/20/1579/FUL) at Templars Farmhouse, Templars Farm, Holders Green Road, Lindsell CM6 3QL in accordance with the terms of the application, Ref UTT/20/2345/FUL, dated 16 September 2020, subject to the conditions on the attached schedule.

Main Issue

2. The main issue in this appeal is the effect of the development on the character and appearance of the area

Reasons

3. The appeal site forms a detached dwelling that is located within a large grassed area which forms the property’s curtilage. The appeal site has been the subject of a previous appeal decision¹ (the previous appeal) which allowed the existing garden to be severed from the host property and to erect a detached dwelling. The appellant has also provided details of a recent planning permission² whereby the Council has approved a larger replacement dwelling on the site.
4. The area is generally rural in character, containing a variety of style and size of property that are mainly arranged in a linear manner along Holders Green Road. To the immediate east of the appeal site is an existing two storey property. The appeal site would therefore sit between the property to the east and the new property to be erected granted permission through the previous appeal to the west.
5. There is a general feel of domesticity to the appeal site, with garden and parking areas provided for the existing and adjacent properties, along with other domestic

¹ APP/C1570/W/20/3251991 dated 10 September 2020

² UTT/21/0707/FUL dated 27 April 2021

features such as a large stretch of close boarded fencing on its northern boundary, washing lines and children's play equipment. This would be further exacerbated by the provision of the additional dwelling approved to the west, essentially sandwiching the appeal site between two distinct areas of residential development.

6. Although larger than the existing property, the appearance of the development proposes horizontal timber cladding under a slate roof, similar to the dwelling it seeks to replace, thereby retaining the semblance of an agrarian building the Council are keen to preserve. Moreover, as a result of the existing residential use of the appeal site and adjoining properties, I am not persuaded that the introduction of a pair of semi-detached dwellings to replace an existing detached dwelling would alter the nature of the site so dramatically that it would be out of keeping with the general locality. Therefore, I am satisfied that the proposed dwellings would not result in harm to the character and appearance of the area.
7. Thus, I have not found that the development would result in harm to the character and appearance of the area. It would not be in conflict with Policies S7 and GEN2 of the Uttlesford District Council Local Plan 2005 and paragraph 127 of the National Planning Policy Framework (the Framework) which seek, amongst other things, to ensure that developments protect the character of the part of the countryside in which it is set.

Conditions and Conclusion

8. The council has suggested a number of conditions that I have considered in accordance with the Framework and the national Planning Practice Guidance. I have reworded or amended some conditions in the interest of precision. Along with the standard time condition (1), the approved plans (2) should also be specified to provide certainty.
9. In the interest of the visual amenities of the area, details of the external finishes (3) of the proposed development and hard and soft landscaping (4) must be agreed with the Council. To ensure that ecology (5) is not affected and biodiversity enhancements (6) and a lighting scheme (7) are provided, the development must be carried out in accordance with the submitted ecological appraisal and that enhancements and a lighting scheme are agreed with the Council.
10. In the interest of highway safety, the shared drive shall be constructed to a width of 5m (8), no unbound material used for the access that is adjacent to the highway (9) and parking spaces (10) must be provided. To protect human health, any contamination (11) found during the development shall be reported to the Council. To promote sustainable methods of transport, charging facilities for electric cars (12) shall be provided as part of the development.
11. Turning to the condition suggested by the Council to secure accessible and adaptable dwellings in accordance with Part M4(2) of the Building Regulations 2010, I have not been provided with a development Plan policy to support the imposition of this condition.
12. For the reasons given above, the appeal is allowed.

Graham Wyatt

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.
- 2) The development shall be carried out in accordance with the following plans: M001 (Location Map), M003 (Location Plan), E102 (Existing Site Plan), E103 (Existing Floor and Roof Plans), E104 (Existing Elevations), P206 (Proposed Site Plans), P207 (Proposed Floor and Roof Plans) and P208 (Proposed Elevations).
- 3) Prior to any works above slab level, details of the external finishes (including samples and/or photographs as appropriate) must be submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved details.
- 4) Prior to occupation of the development, details of the following hard and soft landscaping works must be submitted to and approved in writing by the local planning authority:
 - Retained features
 - New planting
 - Hard surfaces
 - Boundary treatment

All hard and soft landscape works must be carried out in accordance with the approved details.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping must be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works must be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

- 5) All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (T4 Ecology Ltd, December 2019), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes, but is not limited to, due diligence for mobile mammals and nesting birds, installation of 2 x integrated bird and 2 x integrated bat boxes, and native planting.
- 6) Prior to slab level, a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Preliminary Ecological Appraisal (T4 Ecology Ltd, December 2019), including 2 integrated bat and bird boxes, shall be submitted to and approved in writing by the local planning authority. The enhancement

measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

- 7) Prior to occupation, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
- 8) Prior to the occupation of any of the proposed dwellings, the proposed shared private drive shall be constructed to a width of 5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing of the verge, and retained in that manner thereafter.
- 9) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 10) The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans has been provided. The vehicle parking area and associated turning area shall be retained in this form at all times.
- 11) In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures, a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.
- 12) Prior to first occupation of the dwelling, an electric car charging facility shall be installed at the properties and retained as such.

~End~