
Appeal Decision

Site visit made on 7 July 2021

by J L Cheesley BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2021

Appeal Ref: APP/C1570/D/21/3273134

3 Church End, Great Canfield, Dunmow, Essex CM6 1JT

- 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 Christo Koutrakis against the decision of Uttlesford District Council.
 - The application Ref UTT/21/0314/HHF was refused by notice dated 22 March 2021.
 - The development proposed is a new vehicular access for disabled use.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues to be:

the effect of the proposal on the character and appearance of the Great Canfield Conservation Area;

the effect of the proposal on the settings of listed buildings; and

the effect of the proposal on the character and appearance of the surrounding countryside.

Reasons

3. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes duties requiring special regard to be had to the desirability: firstly at Section 16(2), of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses; and secondly, at Section 72(1), of preserving or enhancing the character or appearance of a Conservation Area.
 4. The National Planning Policy Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
 5. The appeal site lies within the Great Canfield Conservation Area. This is a designated heritage asset, which is characterised by its small group of primarily residential properties centred on the Church and Hall in a rural setting. Listed
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- buildings, mature hedgerows and private open spaces make significant contributions to the street scene of the Conservation Area and its overall character.
6. The appeal property is a dwelling within a Grade II listed building. This is a designated heritage asset comprising an early C17 house divided into three dwellings with late alterations. The setting of this building includes the immediate gardens, nearby buildings and rural setting.
 7. Opposite the property is the Grade 1 listed Church of St Mary of Norman origins and the Grade II listed late C19 Lychegate and boundary wall. These are designated heritage assets. The settings of these are the graveyard, dwellings opposite and the rural setting.
 8. The proposal is for a new vehicular access with a bound gravel driveway through an existing hedge over an existing lawn. The existing verdant frontage positively contributes to the character and appearance of the Conservation Area and the setting of the listed appeal building, Church and Lychgate.
 9. The proposed creation of a bound gravel driveway across the existing lawn would adversely impact the immediate setting and rural character of the listed buildings, being distinctly more urban in character. Thus, the proposal would not preserve the character or appearance of the Conservation Area and surrounding countryside setting and would not preserve the settings of the listed buildings referred to above, but this would be less than substantial harm as set out in the Framework.
 10. The proposed vehicular access would have limited public benefit where it would provide a small amount of off street parking. However, there is parking currently opposite the site and I have not been provided with evidence to lead me to conclude that current parking arrangements in this area create highway safety issues.
 11. I have great sympathy with the family circumstances. In reaching my conclusion, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. In particular, I have had due regard to the steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled.
 12. In this particular instance, whilst this would not provide the level of accessibility of the proposal, there is accessibility in terms of parking on the opposite side of the road and there is planning permission for a gravel path to the front door.
 13. I have attributed considerable importance and weight to the duty and the presumptive desirability of preserving the character and appearance of the Conservation Area and the settings of the listed buildings, which I do not consider, for the reasons stated above, are outweighed by any public benefits.
 14. In reaching my conclusion, I have had regard to all matters raised. For the above reasons, the proposal would be contrary to saved Policies GEN2, ENV1 and ENV2 in the Uttlesford Local Plan (2005), where they seek to ensure that new development is compatible with the appearance of the surrounding area,

preserves or enhances a Conservation Area and is in keeping with the character and surroundings of listed buildings. These policies are broadly consistent with the Framework where it seeks to ensure good design and seeks to conserve and enhance the historic environment.

J L Cheesley

INSPECTOR