



Appeal Decision

Site visit made on 14 September 2021

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2021

Appeal Ref: APP/C1570/W/21/3268122

The Pygkle, The Downs, Stebbing, Dunmow, CM6 3TU

- 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 Roland Rolfe against the decision of Uttlesford District Council.
 - The application Ref UTT/20/2169/FUL, dated 25 August 2020, was refused by notice dated 18 December 2020.
 - The development proposed is proposed demolition of existing dwelling and erection of 3No. dwellings, creation of vehicular access, parking and associated landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling and erection of 3No. dwellings, creation of vehicular access, parking and associated landscaping at The Pygkle, The Downs, Stebbing, Dunmow CM6 3TU in accordance with the terms of the application, Ref UTT/20/2169/FUL, dated 25 August 2020, and the plans submitted with it, subject to the following conditions included in the schedule to this decision.

Application for costs

2. An application for costs was made by Mr Roland Rolfe against Uttlesford District Council. This application is the subject of a separate Decision.

Main Issue

3. Whether or not the proposed access would prejudice highway safety.

Reasons

4. The appeal site is a triangular shaped area of land lying on the edge of the village of Stebbing which is currently occupied by a single storey dwelling which appears to be in a poor state of repair. The site has mature hedgerows on each side and slopes down to Brick Kiln Lane. This narrow lane serves several detached and semidetached residential properties including new development under construction on the western edge of the lane.
5. The appeal scheme includes 2 access points from Brick Kiln Lane with one serving a single detached dwelling at the site's southern end and one in the middle of the site's western boundary which would serve a pair of semidetached properties.
6. The proposed scheme includes sufficient space around the parking areas serving each dwelling to allow vehicles to turn within the site and leave in

forward gear. Although it is understood that Brick Kiln Lane is used by both walkers and as a bridleway the fact that the layout allows vehicles to leave the site in forward gear would protect the safety of highway users despite the narrow width of Brick Kiln Lane.

7. The proposed access would not be in conflict with the principles of Policy GEN1 of the Uttlesford Local Plan 2005 and I have imposed a planning condition requiring further details of access arrangements to ensure that there would be adequate sight lines to safeguard highway safety.

Interested parties

8. Although interested parties have raised concerns over the principle of the use of this site for housing, the proposed scheme is acceptable with 3 new dwellings designed in a traditional style with a palette of materials in accordance with the County's design guidance. The site has been in use for residential purposes in the past and although the scheme represents an addition of 2 new dwellings it is not an unacceptable intensification given its size and context.
9. I have no evidence that there would be insufficient water pressure before me. This is a matter which falls beyond the scope of this decision.

Conditions

10. I have imposed conditions in respect of materials and the permitted plans for reasons of certainty. I have imposed a condition in respect of the details required for adequate sight lines given the importance protecting the safety of all users of this narrow lane. For the same reason I require that further details are provided of the shared driveway and opening of the access gates serving the semidetached properties.
11. A planning condition is imposed to ensure that the proposed vehicle parking areas are provided within the site to ensure that each is laid out to appropriate standards. For the same reason a condition has been imposed to ensure that the surface material does not include any unbound materials which could spread from the parking areas onto the highway.
12. In line with both national and local policy I have included conditions requiring that the developer provides Residential Travel information pack, a vehicle charging point for each dwelling and cycle parking. These measures are required to support the delivery of modal shift.

Stephen Wilkinson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 11830 01; 11830 02; 11830 03B; 11830 04B; 11830 05B; 11830 06B; 11830 07B; 11830 08B; 11830 09C; 11830 10B; 11830 11.
- 3) Prior to any works above slab level, details of external finishes (including sample 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, the visibility splays as shown on DWG no. 11830 09C (Proposed site plan, October 2020) shall be retained free from obstruction in perpetuity.
- 5) Prior to the occupation of any of the proposed dwellings, the proposed shared private drive shall be constructed to a width of 5m for at least the first 6m from the back edge of carriage way and provided with an appropriate vehicle crossing of the verge.
- 6) The proposed development shall not be occupied until such time as the vehicle parking area indicated on DWG no. 11839 09C (Proposed site plan, October 2020) has been provided. The vehicle parking area and associated shared turning area shall be retained in this form at all times.
- 7) No unbound material shall be used in the surface treatment of the vehicular access, within 6m of the highway boundary.
- 8) Any gates provided at the vehicular access shall be inward opening only. Any gate shall be set back a minimum of 6m from the back edge of the carriage way.
- 9) Cycle parking shall be provided in accordance with the EPOA parking standards. The approved facility shall be secure and covered and provided prior to occupation and retained at all times.
- 10) Prior to occupation of the proposed development, the developer shall be responsible for the provision and implementation of a residential travel information pack for each dwelling, for sustainable transport approved by Essex County Council.
- 11) Prior to occupation, each dwelling shall be provided with an electric charging point. The charging point shall be fully wired and connected, ready to use and retained thereafter.