



Appeal Decision

Site visit made on 4 October 2021

by **Peter D Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2021.

Appeal Ref: APP/C1570/W/21/3270804

The Old Police Station and the Sergeants House, Hargrave Close, Stansted CM24 8DL.

- 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 Thomas Quinlivan (Alwest Development Ltd) against the decision of Uttlesford District Council.
 - The application Ref UTT/20/1241/FUL, dated 28 May 2020, was refused by notice dated 10 November 2020.
 - The development proposed is extensions and alterations to the Old Police House and the Sergeants House to provide 2 No 2 bed and 6 No 1 bed dwellings, with associated parking and amenity areas.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In the period since the appeal was submitted the Government has published a revised version of the *National Planning Policy Framework* (The Framework). The revised Framework has not brought me to any different decision on the appeal and therefore I have not considered it necessary to invite the appeal parties to comment on the new document.

Main Issues

3. The main issues are whether the proposed development would have an adverse effect on the:
 - character and appearance of the host building and surrounding area.
 - Living conditions of future occupiers in terms of limited private amenity space and of present and future occupiers of neighbouring properties in terms of proximity and scale of extensions and overlooking.

Reasons

Character and Appearance

4. The appeal property is located at the south end of Hargrave Close and is a two storeyed building built in brick under a tile roof and currently in use as two semi-detached tenanted dwellings. Hargrave Close is set back from Cambridge Road behind an area of green space and woodland. To the rear and south the appeal
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site backs onto residential properties in Croasdaile Close and the Police House sits in close proximity to No 5 at the north end of the close.

5. The proposal would see limited change to the frontage of the Police House other than the installation of two front dormers into the roofscape, some change to fenestration and the rendering of external walls. To the rear however large extensions under flat and pitched roofs are proposed to create 3 storeys of accommodation finished predominantly in weatherboarding with extensive areas of vertically hung tiling to gables and dormers. The access to the rear of the property would be taken on the north side of the Police House and would lead to the main parking area and a small area of shared amenity space in the north-east corner of the site.
6. It has been put to me that the development should be considered not as an extension to the existing building but a new building in its own right. However even if I was to accept this approach the proposed scheme must still respect the character and appearance of the main building and its surroundings.
7. The proposed changes to the front elevation would be limited, with the most significant change being the installation of dormers. I note that front dormers are not noticeably in evidence in the surrounding area. However, the dormers proposed on the Police House are appropriately scaled and designed and would be subordinate to the roof slope and generally would appear as discrete additions to the property frontage.
8. In respect of development to the rear, however, a large, flat roof, box profile roof extension is proposed on the rear slope of the existing pitched roof in addition to pitched roof extensions. These would extend up to ridge level of the original house and would introduce significant height, mass and bulk at a high level on the building. The flat roof box section in particular would appear dominant, top heavy and intrusive and would be clearly visible as an incongruous roof form in inward views from the public realm on Hargrave Close outside No 1. The same high level bulk and mass would also be likely to be intrusive on the south side of the building in the winter from Cambridge Road when the trees are bare. I am not therefore persuaded that the rear extensions would not impact on the character and appearance of the public realm.
9. I have been referred to the fact that the resubmitted application has been reduced in size and the design, scale and materials used would reflect the character of the surrounding area. Whilst it may be true that the materials proposed would be appropriate, the design of the large flat-roofed section and combined pitch and flat roofed section with extensive areas of vertical tile hanging would be out of keeping with both the character and appearance of the original Police House and the development pattern of the surrounding area. They are only necessary to accommodate the two second floor flats and could have been avoided altogether in a smaller or differently designed scheme.
10. The Framework at paragraph 130 requires that developments must be sympathetic to local character to create high quality buildings and spaces amongst other things and in these respects the proposal would fail. *Uttlesford Local Plan 2005* (ULP) Policy GEN2 in requiring development to be compatible with the scale, form, layout and appearance and materials of its surroundings, amongst other things, is consistent with this aspect of the Framework. For the above reasons i.e. principally the height, scale and bulk of the proposed additions to the rear there

would be an unacceptable impact on the established character and appearance of the Police House and the immediate surroundings.

Living Conditions

11. The schedule of internal floorspace proposed would suggest that accommodation in each flat unit would meet the Technical Housing Standards and would be satisfactory. However, only one ground floor flat has access to its own outdoor private amenity space. The remaining 7 units would all depend on a communal amenity space to the rear of the site extending to only 41 m².
12. The Council, as with other Essex authorities, applies the guidance set out in the *Essex Design Guide* (EDG) when considering provision of garden space amongst other things. The EDG advises that for 2 bedroom flats a provision of 25m² of private amenity space should be made. Only one of the 2 bedroom flats in the scheme would have access to the required amount of open space. The other would depend on the communal space. Although it has been put to me that this standard only applies to sites in excess of 0.1 hectares and the appeal site is only 0.08 hectares, nevertheless there is a substantial difference between providing a dedicated 25m² of garden space and a seventh share in a communal space of only 41 m².
13. The EDG allows a greater degree of flexibility for one bedroom flats where occupants typically will not be families and may prefer to forego private garden space provided there is good access to open space in the vicinity. In the case of the appeal site although there are playing fields for Stansted Football and Cricket Clubs within 250 metres of the site these will not necessarily have open access for other types of informal recreation all of the time, with restrictions on general open public access particularly likely on match days. The formal recreation ground for Stansted is approximately 800 metres from the site along a busy road and cannot be considered an adequate alternative to a good level of onsite provision. Whilst it has been put to me that footpaths link to open countryside east and west of the site, neither section of countryside is easily or directly accessible from the site. In this context the small onsite area proposed for communal open space for 7 flats would be insufficient particularly when the impacts of the pandemic and the increased importance of open space to quality of life are taken into consideration. The communal garden area would not therefore meet the reasonable needs of all potential occupiers as required in ULP policy GEN2. I note that the appellant proposes that the communal garden space could be increased if the parking standards were relaxed. However, this would only have been worth considering if other aspects of the proposal were acceptable.
14. I turn now to the impact of the proposal on the living conditions for neighbouring occupiers. In respect of No 1 Hargrave Close the side separation between the Police House and its neighbour to the north together with the existence of a large outbuilding to the rear of No 1 means that impacts on living conditions for neighbouring occupiers in No 1 in terms of proximity or overlooking would be likely to be minimal. There is a side window in No 1 which would be overlooked to some extent by a first floor lounge window in unit 5 but had all other factors been satisfactory this probably would not be sufficiently detrimental to warrant dismissing the appeal.
15. The impact however in respect of No 5 Croasdaile Close would be worse. The positioning of No 5 relative to the boundary and the close proximity of the proposed two and a half storey rear extensions would result in an overbearing

impact particularly on the rear garden of No 5 and its side elevation and ground floor window in that elevation. In addition, windows at first floor and second floor in units 4 and 8 facing towards No 5 and which are not marked as obscure glazed would overlook the rear elevation and rear garden area of No 5 at close quarters. Whilst I have considered whether these and the lounge window in unit 5 could be conditioned to also be obscure glazed, I have discounted this as unsatisfactory as it would leave the rooms involved with virtually no outlook.

16. The Framework at paragraph 130 requires that developments must achieve a high standard of amenity for existing and future users amongst other things and in this respect the proposal fails. Policy GEN2 of the ULP remains consistent with the Framework in requiring development to have no unacceptable adverse impact on the amenities of adjoining residential properties. Clearly it is, to a degree, a subjective call as to whether the impact is 'acceptable' or 'unacceptable' but in this case, for the above reasons, i.e. principally the positioning, proximity, height and mass of the rear extensions there would be an unacceptable impact on the living conditions in respect of neighbouring occupiers particularly in No 5 Croasdaile Close. This, coupled with the inadequate private amenity space for future occupiers of the flats, would be unacceptable and contrary to policies to achieve high standards of amenity. Again, as with the impact of the development on character and appearance these impacts are a result of the proposed scheme which, had it been to a smaller scale or different design, could have been avoided.

Other Matters

17. I acknowledge that the proposal would result in the provision of new housing and particularly small dwellings on a site within Stansted development limits which are encouraged in ULP Policies H3 and H10. In that way the 6 units (net) would make a small contribution to meeting housing needs in the district as a whole. I also acknowledge that it would constitute the effective use of land on small housing sites encouraged by the Framework at Paragraphs 69 and 120. However Paragraph 119 of the Framework requires that making efficient use of land must ensure safe and healthy living conditions and at paragraph 124 must take into account the desirability of maintaining an area's prevailing character and setting and in these respects the proposal fails. The Framework also requires at paragraph 130 that development provides a high standard of amenity for existing and future users which, as set out above, it would fail to do.
18. It has been put to me that the Council has a housing shortfall and, although I note that the published *Housing Delivery Target* (HDT) results for Uttlesford in 2020 show that in the last 3 years the council achieved a delivery rate in excess of the requirement, there is a shortfall in housing land supply. The Council cannot provide a 5 year supply and currently provision for only just over 3 years is available. I accept that in this context, the supply of further housing would be important even though in this case it is a net increase of only 6 units.
19. With the Framework's 'tilted balance' triggered it is important to apply that balance. Paragraph 11d) of the Framework provides that the presumption in favour should apply other than in two circumstances. The second of these applies in this case, namely where the harm from the development would significantly and demonstrably outweigh the benefits of the development. This would be the case here for the reasons above where the impacts on character and appearance and living conditions conflict with the policies of the Framework and the Development Plan and provides a clear reason for refusing the development proposed.

Conclusion

20. In reaching my decision I have had regard to the matters before me.

Notwithstanding the benefit the development would bring in adding to housing supply, for the reasons above this proposal conflicts with Framework and Development Plan policies. Moreover, the above assessment in terms of Paragraph 11 of the Framework shows that the presumption in favour of development would not apply and would not be a material consideration that would justify a departure from the Development Plan policies. For the reasons above the appeal should be dismissed.

P. D. Biggers

INSPECTOR