

Appeal Decision

Site visit made on 11 March 2022

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd March 2022

Appeal Ref. APP/C1570/D/22/3290897 7 Newton Green, Great Dunmow CM6 1DU

- 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 James Ivey against the decision of Uttlesford District Council.
 - The application ref. UTT/21/2681/HHF, dated 11 August 2021, was refused by notice dated 26 October 2021.
 - The development proposed is described on the application form as "Free standing (sic) home office".
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Decision

1. The appeal is allowed and planning permission is granted for free-standing home office at 7 Newton Green, Great Dunmow CM6 1DU in accordance with the terms of the application ref. UTT/21/2681/HHF, dated 11 August 2021, subject to the following 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: A.02; A.03; A.04; unnumbered Site & Block Plan (all submitted with the application); and A.01 (submitted with the personal statement at Appendix A of the appeal statement).
 - 3) In carrying out the development hereby permitted, all the walls shall be externally clad in vertical cedar cladding or vertical Siberian larch cladding and the roof shall be externally finished in EPDM rubber.

Preliminary matters

2. The Council's decision notice does not list a plan which depicts the principal elevation of the proposed home office. This would be the elevation opposing the rear elevation of the host dwelling. It may well be that one was not submitted with the application yet the application was registered and validated. Such a drawing (plan ref. A.01) appears in the personal statement at Appendix A of the appeal statement. It seems reasonable to have regard to that drawing.
 3. In its Delegated Officer Report, the Council considered that the proposed development would be overbearing and unneighbourly in relation to the
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adjoining semi-detached dwelling. However, this matter did not find its way into the single reason for refusal on the decision notice. I shall return to this matter after I have dealt with the main issue arising from that decision notice.

Main issue

4. The main issue is the effect the proposed development would have on the living conditions of the present and future occupiers of no. 7 with regard to the provision of private amenity space.

Reasons

5. The appeal concerns an extended 2-storey semi-detached house in a predominantly residential area. The appellant says that it is a property with 4 bedrooms. Like most of the houses hereabouts, no. 7 fronts onto a large expanse of public open space known as Newton Green. The rear garden is surrounded by fencing. A public footpath, leading towards Stortford Road, runs adjacent to the eastern side boundary of the property.
6. The appellant, who works from home as a freelance video professional, wishes to erect a detached home office at the far end of the rear garden. Having a footprint 11 m wide by 5 m deep, the building would provide storage space for various household paraphernalia in addition to working space. The roof would be 2.695 m high at the rear and 2.865 m high at the front.
7. In part, the proposed building would take up some of the rear garden area where there were, until recently, 2 smaller garden sheds which had a combined footprint of nearly 36 sq. m, according to the appellant's measurements. As things stand, the home office building would reduce the current amount of private rear garden space by 55 sq. m. However, from measurements taken at my site visit, about 149 sq. m of such space would still be left available behind the rear ground floor walls of the appeal property.
8. The Essex Design Guide (EDG) expects a minimum of 100 sq. m of rear garden space for a property of this size. As the appellant states and as I have found, the appeal scheme would comfortably meet the standard advocated in the EDG and it would be a stretch of the imagination to suggest, as the Council does, that the scheme would result in an overdevelopment of the plot. This is not a marginal case but even if it was, the EDG lists various scenarios where the insistence on the minimum standard would not be appropriate. One of those is where the house faces a substantial area of well landscaped and properly maintained communal open space. That scenario would have plainly applied in this case, with Newton Green being a sizeable area of high quality amenity green space with various established and newly planted trees.
9. There would be enough rear garden area left to allow for various leisure activities in accordance with the Home Extensions Supplementary Planning Document. The scheme would also be consistent with the National Planning Policy Framework insofar as it seeks to achieve well-designed places, which includes securing a high standard of amenity for existing and future users.
10. I find on the main issue that the proposed development would not have an adverse effect upon the living conditions of the present and future occupiers of no. 7 with regard to the provision of private amenity space. There would be no

conflict with Policy GEN2 of the Uttlesford Local Plan 2005 as regard has been given to the relevant adopted guidance documents on layout and design and as the development would provide an environment which meets the reasonable needs of all potential users.

11. Turning to the other matter raised in the Council's Delegated Officer Report, the experience of no. 8, the adjoining semi-detached house, as being set within a good-sized back garden facing south would endure. The proposed home office would be sited close to the common boundary with no. 8. However, the main rear-facing ground floor window at no. 8 is in a side wing on the opposite side of the plot to that boundary. Having regard to this layout, the separation distance, the presence of 2 sheds in the rear garden of no. 8 and the fact that the proposed home office would be only marginally taller than what would be permissible under permitted development rights, there would be no significant overbearing impact on the outlook from the rear of no. 8. The enjoyment of that neighbouring garden would not be seriously compromised for any reason. There were no objections to the application from any neighbours.
12. The scheme will enhance the quality of life for the occupiers of no. 7 by providing additional covered floor space and increasing the flexibility in how they arrange their work and home life. This is a further factor that weighs in favour of granting planning permission.
13. I have considered the 2 planning conditions advanced by the Council in its questionnaire in the event of the appeal being allowed. In addition to a condition setting a time limit for the commencement of development, a condition requiring that the development is carried out in accordance with the relevant approved drawings (including plan ref. A.01) is necessary as this provides certainty. I have also imposed a condition specifying the external materials to protect the character and appearance of the area and to clarify that either vertical Siberian larch cladding (section 5 of the application form) or vertical cedar cladding (plan ref. A.03) would be acceptable for the walls.
14. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be allowed.

Andrew Dale

INSPECTOR