



Appeal Decision

Site visit made on 8 March 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2022

Appeal Ref: APP/C1570/W/21/3281274

Cromwell House, Willows Green, Main Road, Felsted CM3 1QB

- 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 V Sabtomauru against the decision of Uttlesford District Council.
 - The application Ref UTT/21/1561/FUL, dated 6 May 2021, was refused by notice dated 21 July 2021.
 - The development proposed is the erection of an infill bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues relevant to this appeal are:
 - the suitability of the site as a location for a residential development.
 - the effect of the development upon the setting of the Listed Building;
 - the effect of the developments upon the character and appearance of the surrounding area; and

Reasons

Suitability of the site

3. The proposed development would be situated outside the boundaries of the nearby settlements. In addition, services within the vicinity are of a relatively limited level.
4. In result, residents of the proposed development are likely to be required to visit other settlements in order to access the commercial and community facilities that they are likely to require on a day-to-day basis. This would occur even though the appeal site is near to a racecourse and the proposal would not result in the creation of an isolated dwelling.
5. The siting of the proposed dwelling poses a concern as the surrounding road network is generally uneven, lacking in street lighting and of a sinuous nature. Furthermore, the nearby road network does not include a separate environment for pedestrians and cyclists. This means that there is a greater risk of conflict between these and the movement of motor vehicles. This conflict would be intensified due to the diminished visibility between

- pedestrians, cyclists and other road users arising from the layout of the road and the lack of lighting.
6. In consequence, the lack of a welcoming environment for pedestrians and cyclists is likely to encourage transport by vehicle.
 7. In addition, the surrounding area is lacking in a comprehensive public transport system and as such residents would not be able to use this as a means for undertaking their day-to-day travel requirements. Therefore, this is also likely to increase the reliance upon private cars as the primary means of travel. This would arise owing to the general lack of convenience associated with public transport within this location.
 8. Although some journeys may not necessarily be of a lengthy duration this only serves to reduce the harm rather than completely mitigate against it owing to the lack of convenience offered by public transport provision and the fact that occupiers of the development would need to travel some distance in order to access the nearest bus stops.
 9. Furthermore, the proposed development features three bedrooms. Therefore, there is a notable likelihood that the dwelling could be occupied as a family dwelling and, in result, a larger number of people. In consequence, the potential number of journeys that would emanate from the proposed development would be of a higher level, which would increase the overall level of harm arising from the proposed development.
 10. I therefore conclude that the proposed development is located in an inappropriate location. The development, in this regard, would conflict with the requirements of Policies S7 and H3 of the Uttlesford Local Plan (2005). Amongst other matters, this seeks to ensure that planning permission will only be given for development that needs to take place in rural areas; and direct development to a hierarchy of settlements.

Setting of the Listed Building

11. The proposed dwelling would be sited to the side of the existing dwelling of Cromwell House. This is a Grade II Listed Building. For the purposes of the appeal, the significance of this building is defined by the presence of a historically designed building surrounded by open space. In result, the setting of the listed building contributes to its historical significance. In addition, the existing dwelling features a relative low height, distinctive fenestration, a thatched roof and a relatively long footprint.
12. The proposed development would result in an increase in the overall level of built form within the appeal site. In consequence, the character of open space that surrounds the Listed Building would be eroded. This would occur even though the proposed dwelling would have a lower height than the existing Listed Building.
13. In addition, the proposed development would contrast to the character of the Listed Building. In particular, the proposed development would be of a different form and would feature, amongst other matters, contrasting fenestration and roof materials. This would mean that when viewed alongside the Listed Building, the development would appear discordant.

14. Therefore, the character of the Listed Building would be detrimentally affected owing to the loss of the landscaped ground. Furthermore, the presence of open space is reflective of the site's former historical uses and its loss would therefore be particularly significant.
15. In addition, the proposed development would be readily viewable. In particular, the proposed dwelling and the Listed Building would be experienced alongside one another. This would be particularly notable given that the two buildings would be visible from a number of different vantage points. This would include the new driveway that would serve the proposed development
16. I have given consideration as to whether additional landscaping could overcome the previously described adverse effects. However, the proposed development would include a sizable footprint, a garage and a driveway. Therefore, the level of space that would remain on the appeal site would be of a relatively small level.
17. In consequence, any increased landscaping would not overcome the adverse effects arising from the additional level of built form. Therefore, any additional landscaping would only serve to soften the overall effect of the development. This is opposed to it recreating the existing open, landscaped area that is a feature of the existing site. Therefore, this suggestion would not overcome my previous concerns.
18. I therefore conclude that the proposed development would have an adverse effect upon the setting of the listed building. The development, in this regard, would conflict with the requirements of Policies ENV2 and GEN2 of the Local Plan. Amongst other matters, these seek to ensure that development affecting a listed building should be in keeping with its scale, character and surroundings; and be compatible with surrounding buildings.

Character and appearance

19. The surrounding area contains a number of dwellings and beyond that is open countryside. The nearby dwellings are generally constructed to varying designs and palettes of materials. There are also buildings within the surrounding area that are used for non-residential purposes. These buildings are arranged in a broadly ribbon layout.
20. Whilst the proposed development would result in an increase in the overall level of built form, the dwelling would not appear overly discordant owing to a mixture of building types within the surrounding area.
21. In addition, had I been minded to allow this appeal I could have imposed a condition that would have enabled the council to have approved details of materials. This would have provided a further mechanism to ensure that the proposed development harmonises with its surroundings.
22. Given the general ribbon pattern of development in the surrounding area, the proposed development would be viewed alongside a variety of nearby buildings. This reduces the effect of the development upon the surrounding area.
23. The nearby dwellings would also have a screening effect upon the proposed development. This means that the proposal would not be readily viewable in

the vicinity of the appeal site. Furthermore, there would be some screening offered by landscaping within the surrounding area.

24. The proposed development would be viewable from the open countryside that is near to the appeal site. Whilst the proposed building would result in a more urban appearance, it would be of relatively limited proportions. Therefore, the proposed development, would be viewed against a backdrop of existing structures.
25. Furthermore, the appeal site is in used as a garden and currently features areas of planting and some small outbuildings. Therefore, the proposed development would replace existing features that are already domestic in appearance. In result, the proposed development would not result in a significant adverse change to the way in which the appeal site is experienced. Therefore, the character of the wider area would not be adversely affected.
26. I therefore conclude that the proposed development would not have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conform with Policy S7 of the Local Plan. Amongst other matters, these seek to ensure that developments are appropriate to a rural area.

Planning Balance

27. The harm that would occur to the setting of the Listed Building would not be severe and therefore it would be 'less than substantial' within the meaning of the National Planning Policy Framework (the Framework). Paragraph 202 of the Framework requires such harm to be weighed against the public benefits of the proposal.
28. The proposed development would result in an increase in the local housing supply. Whilst the Council cannot demonstrate a five-year housing supply, the increase arising from the appeal proposal would be relatively small given that only a single dwelling would be created. Therefore, I given the benefits arising from the local housing supply a limited amount of weight.
29. The development would generate some economic benefits arising from the construction works being undertaken. However, these benefits would be limited due to the scale of the development and also of a time-limited duration. Therefore, I can only attribute the public benefits a limited amount of weight. Owing to the scale of the development, any support of local facilities would be relatively small and therefore can be given a limited amount of weight.
30. Therefore, when giving significant importance and weight to the special attention I must pay to the desirability of preserving or enhancing the setting of the Listed Building, I find that the harm that would arise from the proposal would not be outweighed by its limited public benefits. Accordingly, there would be a conflict with Paragraph 200 of the Framework as harm to designated heritage assets would not have clear and convincing justification.
31. My attention has been drawn to Paragraph 11(d) of the Framework. However, as the development would result in harm to the significance of a designated heritage asset, there requirements of this paragraph do not apply to this appeal proposal. However, I have had regard to the current housing land supply position in assessing whether the harm to the heritage asset is outweighed by the benefits of the development.

Conclusion

32. The proposed development would not be located on a suitable site and would have an adverse effect upon the setting of the Listed Building. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR