
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: 30th March 2022

Appeal Ref: APP/C1570/W/21/3281527

Land adjacent to the Old Piggery, Cornells Lane, Widdington CB11 3SP

- 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 David Freeborn and Mrs Jan Freeborn against the decision of Uttlesford District Council.
 - The application Ref UTT/21/0545/FUL, dated 2 March 2021, was refused by notice dated 23 April 2021.
 - The development proposed is a single dwelling on land adjacent to The Old Piggery. Alternative scheme to that approved under Planning Ref: UTT/20/0711/FUL.
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Decision

1. The appeal is allowed, and planning permission is granted for a single dwelling on land adjacent to The Old Piggery. Alternative scheme to that approved under Planning Ref: UTT/20/0711/FUL at Land adjacent to the Old Piggery, Cornells Lane, Widdington CB11 3SP in accordance with the terms of the application, Ref UTT/21/0545/FUL, dated 2 March 2021, and the plans submitted with it, subject to the attached schedule of conditions.

Main Issue

2. The main issue relevant to this appeal is the effect of the development upon the character and appearance of the surrounding area.

Reasons

3. The appeal site represents an irregular shaped plot, which contains some hard surfacing adjacent to the side of Cornells Lane. The surrounding area contains a number of dwellings constructed to varying designs and utilise different palettes of materials. This also means that the proposed dwelling would not be isolated. Dwellings are arranged in a ribbon form adjacent to the road. Beyond the appeal site is countryside, although partial views of other buildings are also possible.
4. The proposed development includes the provision of a dwelling that would have a relatively large footprint. However, the proposed development would be viewed alongside other dwellings of differing scales and styles in the surrounding area. In consequence, the proposed development would not appear unduly discordant. As part of the varied character of the appeal site's surroundings, the existing buildings are constructed to different designs. This varying character includes differing roof shapes and projecting elements.
5. Whilst the proposed development would occupy a relatively large proportion of the site, it would contribute to a generally varied character or built form within

- the surrounding area. In addition, some of the neighbouring dwellings occupy relatively large portions of the width of their respective plots. This would ensure that the proposed development would harmonise with its surroundings given that it also occupies a relatively large proportion of the plot's width.
6. The proposed development features varying heights. This reflects the pattern of development in the vicinity, which features dwellings of differing heights. In consequence, the proposed development would reflect the built form of the wider area.
 7. Furthermore, owing to the pattern of development in the vicinity, combined with the locations of where views from the public domain can be gained, the rear boundaries of sites are not readily perceptible. Therefore, the fact that the proposed dwelling would be sited close to the rear boundary of the appeal site would mean that the proposed development would not erode the area's character.
 8. In addition, the lack of public viewpoints means that it is also not possible to view the larger areas to the rear of the existing dwellings. Therefore, the fact that several of the existing buildings have a smaller percentage coverage of their respective plots means that the development would not be unduly discordant.
 9. In addition, the proposed development would feature garden areas to each side of the house. This would create a more open character and would ensure that the proposed development would assimilate with the rural surroundings beyond the appeal site.
 10. The proposed dwelling would be located closer to the higher edge than some of the nearby dwellings in the surrounding area. However, the degree of set back from the highway edge on dwellings in Cornells Lane differs from site to site. Therefore, the positioning of the proposed dwelling and its proximity to the highway edge would not be incongruous.
 11. Whilst the proposed development includes an integrated garage and has an irregular fenestration pattern the dwelling would be viewed alongside existing houses. Some of the existing dwellings feature a mixture of windows, including those of different designs on the same elevation. The proposed dwelling would feature dormer windows. However, this is a feature that occurs on an occasional basis in the surrounding area. Therefore, this element of the proposed dwelling would not be divergent from the prevailing character.
 12. Although the garage would be attached to the dwelling, the differences in roof shape means that the massing of the building will be minimised and therefore would not appear incongruous. The design approach taken means that the garage doors do not dominate the front elevation of the dwelling. Whilst Juliet balconies have been included in the scheme, these are relatively small and reflect the varied character of built form within the vicinity. Therefore, they do not lead to harm to the area's character.
 13. Owing to the variety of built form and differing design approaches, the proposed development would not appear unduly incongruous. Furthermore, the pattern of development within the surrounding area in addition to other landscaping means that the development would also not be prominently located.

14. The proposed development would feature a number of design approaches that are reflective of a traditional farm building, which is appropriate, given the more rural surroundings of the appeal site. The development is also viewable alongside dwellings are different designs and mass. In result, the proposed development being of a different design means that it is viewable against a varied context and therefore the character of the vicinity would not be harmed.
15. I therefore conclude that the proposed development would not have an adverse effect upon the character and appearance of the surrounding area. The proposed development is therefore in accordance with the requirements of Policies GEN2 and S7 of the Uttlesford Local Plan (2005) and the Essex Design Guide. Amongst other matters, these seek to ensure that developments are appropriate to the rural area; those designs are compatible with the scale, form, layout, appearance and materials of surrounding buildings; that dormers should be a minor incident in the roof plane; and that developments have appropriate fenestration.

Other Matter

16. My attention has been drawn to a previously approved development on this site. Whilst the development before me is of a different design, I have assessed it against the requirements of the Development Plan. As I have not found any breaches of policy, or harm arising, the presence of a previously approved scheme does not require me to disregard my previous conclusions.

Conditions

17. In addition to the standard implementation condition, a condition is required in the interests of precision that specifies the approved plans. The submitted plans specify the materials from which the development would be constructed. Given that the appeal site is in a rural area, conditions requiring the agreement and implementation of biodiversity enhancement, including lighting, is necessary and reasonable.
18. In order to ensure that the development harmonises with its surroundings, a condition allowing for the agreement of a landscaping scheme is necessary. As this condition would include hard surface treatment, a separate condition to secure these details is unnecessary. Although not shown on the submitted plans, if the appeal proposal were to include access gates close to the highway edge, there is a likelihood that vehicles would need to queue in the road whilst the gates are opened. This has the potential to erode highway safety. In consequence, a condition preventing such gates from being installed in this position is necessary and reasonable.
19. Given that residential accommodation is proposed, conditions in respect of contamination are necessary to secure appropriate living conditions. Given the stage where these details need to be implemented, some of these items need to be agreed pre-commencement.
20. In order to encourage more sustainable means of travel, a condition requiring the provision of an electric car charging point is appropriate. The Council has requested a condition requiring that developments be constructed in accordance with the optional requirements of the Building Regulations. However, given that the policy support to which I have been directed is not

explicit in requiring this, I am unable to conclude that such a condition is a necessity.

Conclusion

21. For the preceding reasons, I conclude that the appeal should be allowed, and planning permission granted.

Benjamin Clarke

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; P424-1A; P424-2B; P424-3A; P424-4; P424-5; and P424-7.
- 3) Prior to first occupation of the dwelling hereby approved, the access arrangements, vehicle parking and turning areas as indicated on the on Plan P424-1A shall be provided. Thereafter, the access, parking and turning areas shall be retained for their intended purpose in perpetuity.
- 4) All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (T4ecology Ltd, August 2020)

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECOW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities and works shall be carried out in accordance with the approved details.

- 5) Prior to any above ground works being carried out, a Biodiversity Enhancement Plan and Layout, providing the finalised details and locations of enhancement measures, including but not limited to those contained within the Preliminary Ecological Appraisal (T4 Ecology Ltd, August 2020), shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner in perpetuity.

- 6) Prior to the first occupation of the development hereby permitted, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme, which shall be implemented prior to the first occupation of the development and retained thereafter.

7) Prior to commencement of the development hereby approved, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details prior to occupation of the dwelling and shall be retained as such in perpetuity.

The landscaping details to be submitted shall include:

- a) proposed finished levels (earthworks to be carried out);
- b) means of enclosure of the land (boundary treatments);
- c) hard surfacing and other hard landscape features and materials;
- d) existing and protected via Tree Preservation Order(s) trees, hedges or other soft features to be retained;
- e) planting plans for the woodland planting, including specifications of species, sizes, planting centres, number and percentage mix;
- f) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife;
- g) details of siting and timing of all construction activities to avoid harm to all nature conservation features; and
- h) management and maintenance details.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards.

8) Prior to commencement of the development hereby approved, an assessment of the nature and extent of contamination must be submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a competent person, and must assess any contamination on the site, whether or not it originates on the site. It must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments.

9) Prior to commencement of the development hereby approved, a detailed remediation scheme to bring the site to a condition suitable for the intended use by

removing unacceptable risks to human health, buildings and other property and the natural and historical environment, must be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of the remedial options, proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

10) The remediation scheme shall be implemented in accordance with the approved timetable of works. Within two months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority.

11) Prior to the first occupation of the dwelling hereby approved, an electric vehicle charging point shall be provided on site. Thereafter, the charging point shall be fully wired and connected, ready to use and shall be retained as such in perpetuity.

12) Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of six metres from the back edge of the carriageway.