



Appeal Decision

Site visit made on 14 June 2022

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 5th July 2022

Appeal Ref: APP/C1570/D/21/3287160

3 The Cottage, Church End, Great Canfield, Dunmow CM6 1JT

- 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 Christos Koutrakis against the decision of Uttlesford District Council.
 - The application Ref UTT/21/2806/HHF, dated 9 September 2021, was refused by notice dated 3 November 2021.
 - The development proposed is new vehicular access for disabled use.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the local area bearing in mind the special attention that should be paid to the desirability of preserving the setting of the Grade II listed Nos 1, 2 and 3 Church End (Ref: 1141955) (Nos 1, 2 and 3) and Grade I listed Parish Church of St Mary (Ref: 1120855) (Church) and the extent to which it would preserve or enhance the character or appearance of the Great Canfield Conservation Area (GCCA).

Reasons

3. The appeal building is part of Nos 1, 2 and 3 which is a Grade II listed building that comprises an early 17th century house divided into three dwellings with late alterations. The elevation facing the Church is clad with red plain tiles with bands of scalloped tiles that result in an attractive appearance. As such, the significance of the building lies in the evidence of historic rural architecture and detailing that has evolved over time. Given the proximity of the proposed access to the building, it lies within its setting. The highly decorative front elevation of the building is viewed from the road across the hedge and grassed lawn which provide an attractive verdant setting for the listed building.
4. The Grade I listed Church lies opposite to the appeal site and dates from the early 12th century with subsequent additions to the building. The building evidences a number of original details. Given the above, the significance of the Church lies in its medieval origins and evidence of historic ecclesiastical architecture and detailing. The boundary wall and Lychgate associated with the Church is Grade II listed which the list description dates to the 19th century. The flint rubble wall with stone coping and timber framed Lychgate are in keeping with the materials of the Church. The appeal site, including the

- grassed lawn and hedge provide a pleasant green setting for the Church and boundary wall.
5. The proposal consists of a vehicular access and use of part of the front garden of No 3 for car parking. The access would also necessitate the removal of a significant part of the hedge.
 6. I note the comments of the Inspector for the previous appeal on the site. The scheme differs from that previously proposed by the change in proposed material for the driveway. The proposed material is described as reinforced grass. However, limited details are before me to allow an assessment of the appearance and character of the material. However, even if the reinforced grass matched the appearance of the existing lawn, the removal of part of the hedge would diminish the pleasant verdant character of the setting of Nos 1, 2 and 3, the Lychgate and boundary wall as well as the Church. In addition, the parking of a vehicle in close proximity to Nos 1, 2 and 3 would give the immediate setting of this listed building a more urban character. As such, the proposal would adversely affect the significance of these listed buildings.
 7. The appeal site occupies a prominent position within the GCCA, being opposite the Church which represents a focal point for the area. The significance of the GCCA lies in the evidence of historic rural architecture and the way the buildings of a range of ages and types reflect the evolution of the village which through its hedges and green spaces, retains a rural character. Since the proposal would remove a section of hedge and facilitate the parking of a vehicle on land that is currently grassed lawn, it would diminish the pleasant green rural character of the area, thereby adversely affecting the significance of the GCCA.
 8. Consequently, the proposal would fail to preserve the setting of the Grade II listed Nos 1, 2 and 3 and Grade I listed Church and would fail to preserve or enhance the character or appearance of the GCCA.
 9. Paragraph 199 of the National Planning Policy Framework 2021 (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification.
 10. Given the limited scale of the proposal, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellant has not highlighted any public benefits that weigh against the harm that would be caused.
 11. Given the above and in the absence of any defined public benefit, I conclude that, on balance, the proposal would fail to preserve the setting of the Grade II listed dwellings (Nos 1, 2 and 3), Grade I listed Church and the character and appearance of the GCCA. This would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and conflict with the development plan.

12. More specifically, the proposal would conflict with Policies GEN2, ENV1 and ENV2 of the Uttlesford Local Plan Adopted January 2005 which together seek development that is compatible with the appearance and materials of surrounding buildings, preserves or enhances the character and appearance of the essential features of a Conservation Area and resists development proposals that adversely affect the setting of listed buildings.
13. I acknowledge the family circumstances of the Appellant. The Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010 sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have had due regard to the PSED in my assessment of this appeal.
14. The Appellant has referred to the human rights of the family. I have had regard to the rights of the Appellant and his family under the European Convention on Human Rights (Human Rights Act). Article 1 concerns the protection of property and Article 8 deals with the right to respect for family life and the home.
15. I acknowledge the evidence regarding the availability of the parking area opposite the site. Although the site benefits from planning permission for a gravel path from the pavement to the front door, whether the surface would be suitable for wheelchair use is in doubt. There is on-street parking available opposite the site though I note that this may be occupied by other cars at certain times. However, there is little substantial evidence before me, such as parking surveys, which demonstrate that there is no suitable alternative to the proposal that would avoid harm to the significance of the listed buildings. Accordingly, in dismissing this appeal, there would not be an interference of the Appellants' rights under Articles 1 and 8. As such, these matters have not altered my overall decision.

Other Matters

16. I note the comments of the Inspector for the case in Gloucestershire. However, limited further details are before me to enable a direct comparison to be made with this appeal. I also acknowledge other properties in the area which have off-street parking, including to the south of the site. However, these properties are generally in less prominent positions in relation to the Church and GCCA such that a direct comparison with this appeal cannot be made. Therefore, these matters have not altered my overall decision.

Conclusion

17. For the reasons given above, the appeal is dismissed.

R Sabu

INSPECTOR