

Appeal Decision

Site visit made on 15 August 2022

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2022

Appeal Ref: APP/C1570/D/22/3301537

2 Rectory Cottage, Wicken Road, Wicken Bonhunt, Essex CB11 3UG

- 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 & Mrs Kitchen against the decision of Uttlesford District Council.
 - The application Ref UTT/22/0728/HHF, dated 13 March 2022, was refused by notice dated 25 May 2022.
 - The development proposed is a garage building.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the character and appearance of the area; and the effect on the living conditions of neighbouring residents of Wicken Lodge with regard to light and outlook.

Reasons

3. The council's reason for refusal relates to the potential for harm to the amenities of the adjacent neighbours at Wicken Lodge. The impact of the position of the building on the character of the area has also been raised by two local residents who suggest that it would be incongruous and would detract from the appearance of both the host property and the neighbouring property. The impact of the proposal on the character and appearance of the area should be a main issue. As this matter was raised during the consideration of the application by third parties, the appellants have had the opportunity to address the concerns raised and as a result, this additional main issue does not result in prejudice to any party.
 4. The proposed garage would sit well forward of the front building line of the host dwelling. Although the neighbouring house, Wicken Lodge, extends closer to the road, the area of development closest to the boundary is set back. The design and materials would be of a relatively high quality for a garage but it would nevertheless be a large utilitarian building set in a prominent location, forward of the host dwelling frontage and the neighbouring garage. Although trees and other vegetation exist that would help to filter views of this outbuilding when passing through the village, it would nevertheless be
-

- perceived as a large and dominant structure that would detract from the appearance and character of the street scene. Despite the quality of the materials and the simplicity of the design, it would also detract from the setting of the host property and its neighbour.
5. The proposal would result in harm to the character and appearance of the area due to its forward position and scale. It would not gain support from policy S1 of the Uttlesford Local Plan 2005 (LP) as this requires that developments are compatible with the character of the settlement. It would be contrary to LP policy GEN2(a) as it would not be compatible with the layout of surrounding buildings. Although these LP policies are now of some age, as they generally accord with the design objectives of the *National Planning Policy Framework*, I afford them full weight.
 6. The garage would be built close to the shared boundary with Wicken Lodge. It would be a dominant feature on the boundary and it would have an impact on the views from the side facing windows and from the front garden and driveway of that property. However, I am not satisfied that the living conditions of the residents would be unacceptably harmed within the house with regard to light or outlook, given the separation distance between habitable rooms and the proposal. Whilst it would be a dominant feature when arriving at the neighbouring property or using the front garden but it would not be unacceptably harmful to living conditions. It would not however represent high quality design given the shortcomings of the layout proposed.
 7. Flood risk has been raised as a concern. It would appear that the location of the garage would be in flood zone 1, but close to zones 2 and 3. Reference is made by the parish council to the proximity of Wicken Water and recent flooding issues. The proposal could potentially result in greater run-off than the existing gravel area on which it would be placed. Measures could be put in place to limit run-off and if I was minded to allow the appeal, this is a matter that would need to be fully addressed. However, given my overall concerns, this is not a matter on which my decision would turn.
 8. The proposal would clearly bring some benefits to the appellants with regard to improved accommodation for vehicles and equipment, in addition to the first-floor space that would also be provided. I do not dispute that these benefits would be greater to the appellants than those afforded by previously approved application plans. Although previous permissions accepted new development, the plans indicate that there was then significantly more vegetation towards the front of the property and more importantly, the works did not extend forward of the building line of the host dwelling, to the extent now proposed. The previous decisions do not offer support for a garage in the position shown.
 9. Whilst I do not agree with the council that the proposal would result in unacceptable harm to the living conditions of the residents of Wicken Lodge, it would result in unacceptable harm to the character and appearance of the area. I conclude that the matters in favour of the proposal are not sufficient to outweigh this harm. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR