



Appeal Decision

Site visit made on 12 September 2022

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2022

Appeal Ref: APP/C1570/W/21/3279382

23B Silver Street, Stansted, CM24 8HA

- 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 M Vincent against the decision of Uttlesford District Council.
 - The application Ref UTT/21/1631/FUL, dated 4 May 2021, was refused by notice dated 13 July 2021.
 - The development proposed is demolition of existing single storey dwelling and erection of 2 no. one bedroom flats over two storeys.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would preserve or enhance the character or appearance of the Stansted Mountfitchet Conservation Area; and
 - the effect of the proposed development on the living conditions of existing occupiers, with regard to loss of light.

Reasons

Character and appearance

3. 23 Silver Street is not listed but is located within the Stansted Mountfitchet Conservation Area (CA). This part of the CA is characterised by the buildings which line Silver Street, a very busy road to the south of the main commercial area. 23 Silver Street is noted within the Stansted Mountfitchet Conservation Area Appraisal and Management Proposals 2007 as part of a group of interesting 19th Century buildings of mixed types and scales. As such they provide a contribution to the character, appearance and significance of the CA as a whole.
4. The appeal site comprises an existing single storey timber structure which is located at the rear of 23 Silver Street and is currently occupied as a single dwelling (23B). 23 Silver Street is a two storey brick building which has been subdivided to provide two dwellings, with 23 accessed directly from Silver Street and 23A having its access to the rear via an external stairway.

5. The grouping of three residential units within a relatively small footprint means that none of the dwellings currently benefit from any amenity space or car parking. The yard at the rear of 23 Silver Street functions to provide access to 23A and 23B and for bin/cycle storage.
6. The existing building is modest in its proportions and is typical of an ancillary outbuilding which would be located to the rear of an existing dwelling. Whilst it has been occupied as a separate dwelling it remains subservient to 23 Silver Street in terms of its overall scale and appearance.
7. The proposed development would replace this subservient structure with a two storey development which would have a larger footprint and be built up to the boundary of 23 Silver Street. This would increase the massing of development in close proximity to the boundary with 23 Silver Street. This would be out of keeping with the pattern of development within the locality which is generally characterised by dwellings fronting Silver Street with narrow gardens to the rear. Furthermore, as a result of its overall scale, the proposal would be dominant when viewed from within the small remaining yard area and appear discordantly cramped with the site harmfully over developed.
8. Glimpsed views of the appeal site can be seen from Silver Street but are currently dominated by the roofline and windows of the development directly behind the appeal site. However, the introduction of two storey development to the rear of 23 Silver Street would be of greater prominence from these glimpsed views and given the lack of spacing between the two buildings would visually compete with 23 and have greater impact than the two storey development behind.
9. The overall form of the proposal, with the introduction of a first floor door under a dormer window, fails to successfully reflect the vernacular of the historic 19th Century buildings which contribute positively to this part of the CA's significance. It would be visible from within Silver Street and appear as a prominent and inappropriate feature within the street-scene.
10. I have considered the effect on the Grade II Listed Building which is within the vicinity of the site. 15 Silver Street is contained within its own landscaping, as such, even developed, the site would not have a significant impact on how the listed building would be appreciated or the elements that form its setting. Therefore, I conclude that the development would not result in harm to the setting of the listed building.
11. In conclusion, the development will result in harm to the significance of the Stanstead Mountfitchet Conservation Area. In so doing it would fail to preserve its character or appearance. The development would therefore fail to accord with policies GEN2 and ENV1 of the Uttlesford Local Plan 2005 (LP) which states that development should reduce the visual impact of structures and it should preserve or enhance the character and appearance of a Conservation Area.

Living Conditions

12. 23A Silver Street is a first floor flat accessed via an existing external staircase facing the appeal site. It has a half glazed door which provides access and light to the kitchen and a bathroom window. When accessing the site via the staircase views are afforded over the existing building to the raised ground above it.
13. The proximity, height and scale of the new building means that it would have an overbearing presence when viewed from 23A Silver Street and would lead to a sense of enclosure to an unacceptable degree. There would also be a loss of outlook when viewed from the half glazed door and within the closest habitable room. In addition there would also be a reduction in the amount of daylight received into this habitable room.
14. Furthermore, the need to access the first floor flat from an extension to the existing external staircase leads to a reduction in the spacing within the rear yard. This would contribute to a cramped layout within this modest plot and leads to a sense of overdevelopment.
15. At ground floor, 23 Silver Street has a small bedroom window facing the appeal site and a side window serving a utility room. Outlook from the bedroom window is already obscured by the presence of a fence and bin storage area. Therefore, the proposed development would not further obscure or obstruct light or outlook.
16. The Council have also raised, within their appeal statement, the lack of amenity space provided for the proposed development. The submitted plans indicate access to an area of amenity space for the proposed first floor flat and I consider that this would be suitable given the modest size of the proposed accommodation, which means it is unlikely to be family accommodation. The ground floor flat and existing flats would continue to have access to the limited yard which would provide space for bin and cycle storage and therefore I have found no harm arising from the proposed development in terms of access to private amenity space.
17. In conclusion the proposal would result in an overbearing form of development, having a detrimental impact on the living conditions of existing occupiers, with regard to loss of light and outlook to 23A. It would fail to accord with policy GEN2 of the LP which requires development to not have a materially adverse effect on the reasonable occupation and enjoyment of a residential property, as a result of loss of daylight, over shadowing and overbearing impact.

Other Considerations

Heritage Balance

18. Paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation.

19. The harm would be less than substantial and in accordance with paragraph 202 of the Framework, that harm should be weighed against any public benefits of the proposal. The site would give rise to modest economic benefits during the construction phase. There would be moderate social benefits arising from the contribution to the Council's housing supply, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area and particularly where the Council is unable to demonstrate a five year supply.
20. I have taken into account that the development would result in additional dwellings, in a highly accessible location, that would contribute to housing supply in the area. I have also had regard to the points made regarding how the development would be better placed to serve the needs of the market.
21. However, a significant proportion of these benefits would be realised with the development of 1 dwelling which already has planning permission. The additional benefits of another dwelling would therefore be only modest. Similarly, any benefit arising from it being a site that could be delivered quickly will largely be realised with the smaller scheme.
22. Therefore, having regard to the scale of development, these modest benefits would not outweigh the identified harm to which I must attach considerable importance and great weight. It would not accord with the policies of the Framework which seek to conserve and enhance the historic environment.

Paragraph 11 of the Framework

23. The Council accepts that it cannot demonstrate a five-year housing land supply at present. Paragraph 11 of the Framework states that where the policies that are most important for determining the application are out of date, permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 6 sets out that these policies include those relating to designated heritage assets. Given my findings, in relation to the Stansted Mountfitchet Conservation Area, there is a clear reason for refusing the development proposed and I am not required to apply the tilted balance in this respect.

Fallback

24. The site has the benefit of an extant planning permission for the demolition of the existing building and the erection of a replacement dwelling¹. This was approved in February 2020 and includes the construction of an L-shaped dwelling. The parties agree that the approved dwelling is of similar proportions to the proposal before me.
25. Therefore, as I must have regard to other material considerations and given that planning permission already exists for a dwelling, of similar scale and proportions on the site, the proposal would not generate a materially different impact on the occupiers of 23A Silver Street than the development permitted. This is confirmed by the appellant's daylight and sunlight assessment. Therefore, I find the harm I have identified in respect of the impact on the living conditions of 23A Silver Street is outweighed by other considerations.

¹ UTT/20/0134/FUL

26. However, and as previously mentioned, the current proposal would result in an unusual design with the introduction of a first floor door under a dormer and an extension at first floor which would further enclose the courtyard space. The proposal would also lead to a reduction in the spacing within the rear yard, in comparison with the previously approved scheme.
27. In addition, another unit of accommodation is being provided, with the associated intensification of the use of this area over and above that which might occur as a result of the existing dwelling and that previously permitted.
28. Therefore, the fallback position offered by the approved development would result in a level of less than substantial harm to the CA that is less than that which is before me, and I have therefore given this considerable weight.
29. In conclusion, the proposal before me would result in more harm than the fallback position. It would as a consequence lead to a development with a design that would be detrimental to the overall character of the area. Therefore, the existence of the fallback is not a material consideration that indicates the application should be determined other than in accordance with the development plan.

Conclusion

30. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. For the reasons outlined above, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR