



Appeal Decision

Site visit made on 30 September 2022

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 04 November 2022.

Appeal Ref: APP/C1570/W/22/3297795

Rear of 35 New Road, Elsenham, Bishops Stortford CM22 6HA

- 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 and Ms J & S Warwick and Whitfield against the decision of Uttlesford District Council.
 - The application Ref: UTT/21/3534/FUL dated 26 November 2021, was refused by notice dated 20 January 2022.
 - The application is for proposed demolition of garage and erection of 1 no. dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for proposed demolition of garage and erection of 1 no dwelling at the rear of 35 New Road, Elsenham, Bishops Stortford in accordance with application ref: UTT/21/3534/FUL dated 26 November 2021 subject to the conditions as set out in the Schedule below.

Main Issues

2. The main issues are the impact of the proposal upon the living conditions of future and existing residents at number 35 New Road and the impact of the proposals upon the character and appearance of the area.

Reasons

3. The appeal property is a detached bungalow within this suburban area on the outskirts of Elsenham. The property has a relatively well proportioned rear garden that is primarily laid to lawn with a small former garage near to the house and an existing garage at the foot of the garden. In this area there is a change of level beyond garden gates that give access onto Jenkins Drive which is another residential road that leads into a small industrial area further towards the east.
4. In this part of Jenkins Drive I saw on my site visit that the proposed plot has direct access onto the road at the rear and would sit in between two detached buildings that already exist. One of these houses is of a similar design to that as proposed here and presents a simple weatherboarded gabled elevation towards Jenkins Drive with parking to the front. Further along Jenkins Drive, beyond this property, there is a steep banking that largely hides the rears of most other properties along New Road.

The Impact of the Proposal Upon the Living Conditions of Residents at Number 35 New Road

5. The host property occupies a good sized plot with both front and rear gardens and in this respect it is similar to many of its neighbours. In assessing this proposal I consider that the subdivision of the rear garden would retain around an 8 metre depth of rear amenity space for each property. This would equate to around 100sq metres of garden area that would be retained for number 35. I am aware of guidance within the Essex Design Guide (EDG) that states the minimum such space required for a one or two bed dwelling would be around 50sq metres and as such I consider that the proposal would be in conformity with this guidance. Although the Council dispute the amount of space available to number 35 I consider that the rear garden, when added to the frontage space and when taking into account the space taken by other extensions, would meet the requirement of the EDG.
6. As such I consider that the proposed subdivision would not cause harm to the living conditions of those inhabiting number 35 New Road and that enough amenity space would be retained to allow a family to have a good standard of living within both properties without the risk of overlooking from other dwellings, including the proposed dwelling.
7. As such I consider that Policy GEN 2 of the Uttlesford Local Plan has been met as has the guidance contained within the Essex Design Guide and that the living conditions of neighbours would be protected.

Effect of the proposal Upon the Character and Appearance of the Area.

8. The appeal property is unusual in the fact that it has something of a dual aspect with road frontage and achievable access onto Jenkins Drive that would be reasonably practical in terms of accessibility. Nevertheless, although the character of the area is suburban, this manifests itself through most properties having relatively large rear gardens and the area being of a relatively low density. The proposed subdivision would therefore cause some modest change to this overriding character.
9. In assessing this matter further however I consider that there are several elements in favour of allowing this proposal on character grounds. Firstly, I consider that this site is relatively unique, being as it is, somewhat sandwiched between two existing buildings that to all intents and purposes appear as stand alone dwellings. Secondly, the property has a clear road frontage to the rear and as such would not appear as typical back land development that would be contrary to Saved Policy H4 of the Uttlesford Local Plan (ULP). Thirdly, the proposal appears to me to be within a highly sustainable location that is within walking distance at least to Elsenham Railway Station that I saw on my site visit was a short distance away.
10. In this regard, I consider that there would be a slight adverse impact upon the character and appearance of the area but that this would not be significant when compared to the benefits of securing a new house within a highly sustainable location.
11. Added to this I give great weight to the fact that the Local Authority is unable to demonstrate a five year housing land supply (5YHLS). When applying the tilted balance under the paragraph 11 d) of the Framework, the adverse

impacts of granting planning permission would not significantly and demonstrably outweigh the benefits.

12. I consider therefore, that there would be benefits in allowing this appeal due both to the modest contribution it would have to the local housing land supply figure, but also due to the fact that it would be a relatively natural evolution of a low density plot within a very highly sustainable location.
13. In light of this I consider that the minor harm I have identified above to the character and appearance of the area would be outweighed by the benefits of achieving a new house within a highly sustainable location. As such I consider the proposal is in compliance with The Framework and would be in general accordance with Policies GEN2 and ENV3 of the ULP (2005) as well as the presumption in favour of sustainable development.

Other Matters

14. I note some neighbour concerns with regards the impact of the proposal upon their outlook from Jenkins Drive. Although this is not something that I can give great weight to, I consider that there could be a modest change in character here through the erection of a new building where currently there are trees and shrubs. As such I feel it prudent to ensure an adequate landscape is retained and this would be secured through condition number iii) below.

Conditions

15. I have included all of the suggested conditions as put to me by the Council as set out in the Schedule below.

Conclusion

16. For the reasons given above, and taking into account of all other matters raised, I allow the appeal subject to the conditions set out in the Schedule below.

A Graham

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Dwg No 2606/1A dated July 2021.
- 3) Development shall not commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include the following:
 - a) Proposed finished levels
 - b) Means of enclosure/boundary treatments
 - c) Hard surfacing, other hard landscape features and materials
 - d) Existing trees, hedges, or other soft features to be retained
 - e) Planting plans, including specifications of species, sizes, planting centres, number, and percentage mix.
- 4) Prior to first occupation, the dwelling hereby approved, shall be provided with an electric vehicle charging point in accordance with the guidance in Approved Document S 2021. The charging point shall be fully wired and connected ready for your first use and retained for occupant use thereafter.
- 5) Prior to occupation of the dwelling, the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
- 6) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 7) The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans has been provided. The vehicle parking area and associated turning area shall be retained in this form at all times.
- 8) Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.
- 9) Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for the dwelling, for sustainable transport, approved by Essex County Council.
- 10) Any redundant access width shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge / footway / kerbing immediately the proposed new access is brought into first beneficial use.