



Appeal Decision

Site visit made on 5 October 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2022

Appeal Ref: APP/C1570/W/21/3284569

Glan Howy, Bannister Green, Felsted, Great Dunmow, Essex CM6 3NH

- 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 Ms Tanya Malin against the decision of Uttlesford District Council.
 - The application Ref UTT/21/1891/FUL, dated 2 June 2021, was refused by notice dated 28 July 2021.
 - The development proposed is described in the application form as 'detached dwelling within rear garden area of an existing detached dwelling'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the site and surrounding area; and
 - whether the proposed development would preserve the setting of the nearby Grade II listed building, Witneys.

Reasons

Character and appearance

3. The appeal site comprises a parcel of land forming part of the rear garden of Glan Howy. Properties surrounding the site are of a varied scale and design, some forming bungalows and others two-storey properties. Many bungalows appear to have been extended over time, some substantially so. Despite this variety, there are nonetheless consistent features in this location. Glan Howy, properties near it and within the wider village, generally sit within large garden plots and are arranged traditionally, fronting onto established roads.
4. The proposed development includes the erection of a new dwelling to the rear of Glan Howy. The new property would span much of the width of the site, separated from Glan Howy by an area of retained garden. A vehicular access would be created from the existing parking area to the east, from which the site is already directly accessible.
5. The proposed dwelling would be highly visible from the private access road and the multiple private vantage points of neighbouring properties. However, it would not be readily visible from surrounding roads or public vantage points due to its relatively secluded position behind existing properties and

established landscaping. From that perspective, the development would have little appreciable effect on the street scene.

6. Whilst the proposed dwelling would have a footprint, height and overall appearance and scale that would assimilate to an acceptable standard with the surrounding area, its siting would not reflect the prevailing layout. The layout of the surrounding area and wider village is one in which properties generally sit within large garden plots arranged in a traditional manner relative to roads, with substantial rear gardens. The proposed development would appear cramped and awkward in this garden setting, tight up against the plot boundaries on either side. It would be discordant and out of keeping with the established pattern and rhythm of development in this part of Bannister Green.
7. I acknowledge the appellant's comments in respect of the proposed dwelling not being of two-storeys in the traditional sense and the comparisons made to the style of other properties within the village, including the inclusion of an apex elevation. As reasoned above, I have identified no harm in respect of the height or design of the proposed development.
8. Consequently, whilst I conclude that the scale, height and design of the proposed dwelling would not be harmful, the siting of the proposed development would harm the character and appearance of the site and surrounding area. The proposed development would conflict with the relevant provisions of Policy GEN2 of the Uttlesford Local Plan (LP) and Policy HN4 of the Made Felsted Neighbourhood Plan (MFNP). These policies, in summary, seek to ensure that development proposals are compatible with the surrounding area.

Setting of Witneys

9. Witneys is a grade II listed building. The property is a two-storey sixteenth century house with a red plain tile half-hipped roof and red tiled porch. It forms a modest, attractive property which is most clearly viewed from the approach across the public green. The property can be viewed within the context of neighbouring properties and a cluster of mature trees, beyond which lies the appeal site. Insofar as this appeal is concerned, the significance of the property lies in its traditional form, historic value and semi-rural setting.
10. I am required to have special regard to the desirability of preserving the setting of listed buildings¹. 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 heritage asset, great weight should be given to the asset's conservation.
11. The proposed development would be set reasonably close to, but visually separated from, Witneys. Despite its relative proximity, there is limited intervisibility between the appeal site and Witneys, including when viewed from the public realm. This is largely due to the existence of mature trees and landscaping within and surrounding the appeal site. Even were the appeal site to be glimpsed through trees during winter months, the proposed building would be perceived as a discrete entity, separate and functionally and visually removed from Witneys and its relationship with the open green.
12. Consequently, I conclude that the setting of nearby Witneys would be preserved as a result of the proposed development, in accordance with the

¹ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

relevant provisions of LP Policy ENV2 and MFNP Policy ICH1, which in summary seek to ensure that development preserves the setting of listed buildings.

Other Matters

13. I have carefully considered the appellant's comments and acknowledge that the proposed development would not harmfully overshadow or overlook adjacent properties, cause any obstruction to the existing adjacent car park and ensure that it was properly maintained, as well as provide a private parking and turning area. I also acknowledge the proposed use of environmentally friendly materials and electric charging points. These matters are not in dispute between the Council and appellant and I have no reason to find otherwise. These matters are essentially neutral in my consideration of the scheme rather than matters which weigh in favour of allowing the appeal.
14. My attention is drawn to other properties which are alleged to be positioned within the setting of nearby listed buildings, and which are visible from public vantage points and larger than the appeal proposal. As reasoned above, I have found no harm in respect of the setting of listed buildings.

Planning Balance

15. The submitted evidence indicates that the Council cannot demonstrate a five-year housing land supply. As such, and noting the Government's objective of significantly boosting the supply of homes, the provisions of Framework paragraph 11.d are engaged. This sets out that where the policies which are most important for determining the application are out of date, permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
16. Following assessment, there are no policies in the Framework relevant to the site which protect areas or assets of particular importance, and which provide a clear reason for refusal. As such, it is necessary to apply Framework paragraph 11.d(ii).
17. The proposed development would represent a contribution of one extra dwelling to housing supply in an area with an acknowledged lack of future provision. There, too, would be some other social, environmental and economic benefits of the proposed development, including in supporting employment during construction, the bringing about of trade to nearby services and facilities and the use of renewable energy and sustainable materials. Although I give some weight to these matters, the benefits and contribution to housing supply in the district would inevitably be limited given the scale and nature of the development proposed. Accordingly, and given the significant harm I have identified above, the adverse effects of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

Conclusion

18. For the reasons above, having had regard to the development plan as a whole, the appeal is dismissed.

A Price

INSPECTOR