

Appeal Decision

Site visit made on 30 September 2022

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 04 January 2023.

Appeal Reference: APP/C1570/W/21/3289650

Land at 'Venn House', Tenterfields, Great Dunmow CM6 1HH

- 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 Woolbro Homes against the decision of Uttlesford District Council.
 - The application (reference UTT/21/0245/FUL, dated 20 January 2021) was refused by notice dated 3 December 2021.
 - The development proposed is described in the application form as follows: "*Demolition of existing buildings and construction of residential dwellings (Use Class C3) with associated landscaping, access, and infrastructure*".
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings and construction of 12 no. residential dwellings (Use Class C3) with associated landscaping, access, and infrastructure, at 'Venn House', Tenterfields, Great Dunmow CM6 1HH, in accordance with the terms of the application (reference UTT/21/0245/FUL, dated 20 January 2021), subject to the conditions set out in the attached Schedule of Conditions.

Preliminary points

2. Notwithstanding the description of the proposed development that was given in the application form, the nature of the proposal can more accurately be expressed as set out in the Council's decision notice and in the appeal form, as the demolition of existing buildings and construction of 12 no. residential dwellings (Use Class C3) with associated landscaping, access, and infrastructure.
3. This appeal has been dealt with by way of Written Representations and a site visit has been made. I am satisfied that I have been able to fully understand the circumstances of the case and all the evidence that has been presented, including the nature of the site and its immediate surroundings.

Main issues

4. There are three main issues to be determined in this appeal. The first is the effect of the proposed development on the character and appearance of the area and the design quality of the proposed development. The second is the adequacy of the proposed highway access. The third is whether sufficient and

satisfactory provision would be made for local infrastructure, including public transport infrastructure.

Reasons

5. Great Dunmow is a substantial town in Essex, one of the three principal settlements in the District, to the east of Stansted Airport but now by-passed by the A120 to Braintree and Colchester. The appeal site lies in the eastern part of the town, where expansion has taken place through the twentieth century, and Tenterfields is now a suburban road in a predominantly residential area.
6. At its southern end, Tenterfields joins the old Braintree Road, which is still a busy through route, but Tenterfields itself is a relatively quiet road, with some on-street parking and characterised by conventional houses and bungalows, dating from the later part of the twentieth century, with modest front gardens and more generous back gardens.
7. 'Venn House' is a large house that has retained a very large garden which is now surrounded by built development. The access to the site is a rather narrow driveway running between numbers 1 and 3 Tenterfields. The driveway is defined by close boarded fences between the houses, although it is also set with some trees and shrubs. The driveway widens out where it bends part way along its length but the grounds open out behind the gardens of the houses on the Tenterfields frontage.
8. The house and grounds are enclosed by the housing in Tenterfields and Venmore Drive to the east and north but development to the west and south is more mixed in character. The 'Croft House Care Home' to the south is a large modern BUPA facility and development to the west includes some further residential development and mixed uses at the rear of frontage development in the High Street, including a carpark that adjoins the appeal site and a large building that is still under construction, a little further away.
9. 'Venn House' itself is a substantial Victorian residence, with a main element that is finished with roughcast and painted external walls under a complex slated roof. It has various outshots, however, and a number of outbuildings. The outbuildings include a modern garage as well as a much older range of greenhouses and a building that may once have provided stabling.
10. The grounds are somewhat overgrown, although they have been maintained. The lawns that provide the core of the garden area are set with some large trees (some of which are protected by Tree Preservation Orders), as well as shrubs, but the woodland garden to the east of the house has become dilapidated and the layout obscured. To some extent, the qualities of the original Victorian garden can still be appreciated, however.
11. It is now proposed that the existing buildings should be demolished and the land redeveloped by the construction of twelve residential dwellings with associated landscaping, access, and infrastructure.
12. The 'National Planning Policy Framework' emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. The 'Framework' is

aimed at achieving good design standards by adding to the overall quality of the area and being visually attractive and sympathetic to local character and history. It also recognises that appropriate change may include increased densities and it does not prevent or discourage appropriate innovation or change in principle.

13. The 'National Planning Policy Framework' is aimed at achieving good design standards generally, which includes protecting existing residential amenities and providing good standards of accommodation in new residential development.
14. Under the broad heading "Promoting sustainable transport", Section 9 of the 'National Planning Policy Framework' deals with a number of transport related issues. It points out the need to address concerns about the transport network (including in terms of "capacity and congestion") and to prevent significant impacts on highway safety. It is intended that congestion ought to be reduced (and hence that new development should not inhibit the free flow of traffic, in principle), but it is of particular importance to ensure that "safe and suitable access to the site can be achieved for all users" (paragraph 110).
15. Policies in the Development Plan reflect these basic principles. Policy GEN2 of the 'Uttlesford Local Plan' (which was adopted in 2005) focusses on design considerations, while Policy H4 recognises the contribution that can be made by "backland" sites, if relevant criteria are met. Significantly, the Local Plan is intended to focus new housing development on towns including Great Dunmow (for example through Policies S1, H1 and H3).
16. Policy GEN1 of the 'Uttlesford Local Plan' is concerned with a range of highway considerations, emphasising the need for safe and convenient access to new development, while Policy GEN6 specifically includes "transport provision" among the requirements for infrastructure provision that is necessary to support proposed development.
17. The 'Great Dunmow Neighbourhood Plan' (dated 2016) is also part of the Development Plan and Policy GA3 similarly deals with the requirement for financial contributions from developers, to support the public transport infrastructure.
18. The Council's Supplementary Planning Document, entitled 'Parking Standards Design and Good Practice' is also relevant, though it does not have the force of the statutory Development Plan, while 'The Essex Design Guide' is also a material consideration in this appeal. Both contain detailed design guidance.
19. The appeal proposals would sweep away the existing house and outbuildings, as well as the remains of the gardens. In spite of their history, however, their loss need not be regretted if a suitable redevelopment scheme for the site were to be devised, since the site is not especially significant either in terms of its history, its architectural and landscape qualities, or its biodiversity. I agree with the assessment that the redevelopment of the site ought to be acceptable in principle, subject to conditions relating to the landscaping of the site and biodiversity enhancement.
20. The proposal would provide for twelve new houses in a compact layout, at the end of a drive into the site. The houses would be constructed using traditional

architectural forms and materials but would provide a good modern standard of accommodation within the dwellings. The dwellings would be provided with garden areas and parking spaces that would not be overly generous but which would be adequate in their urban location.

21. Although the site can be described as a “backland” plot, it is a substantial area of land and the layout would not cause undue overlooking or overshadowing of neighbours, nor would it be intrusive or overbearing. Of course, the appeal site is underused and overgrown in its present state and a change to the character of the area would be inevitable. Nevertheless, the proposed development would make more effective use of a site that is significantly underused at present and would achieve a good design standard that does not result in the overdevelopment of the site in terms of its townscape, nor its effect on the wider surroundings.
22. The proposed driveway into the site is undeniably constrained by the narrowness of the existing access. Nevertheless, the access width would be adequate for the number and size of houses proposed and would provide sufficient visibility along its length to create a safe route for vehicles and pedestrians. Vehicle speeds would have to be very low, of course, but speed control works could be required as part of an approved landscaping scheme.
23. The proposed development would, obviously, generate some additional traffic on the wider road network and concern has been raised about the likely impact of additional traffic at the junction of Tenterfields and Braintree Road, near to the appeal site access. I accept, nonetheless, that the scheme would not have an undue impact on traffic conditions in the wider area, bearing in mind its relatively small scale in relation to existing traffic flows.
24. Hence, I am persuaded that the proposed highway arrangements would be adequate to provide safe and convenient access to the site and that the impact on the wider highway network would not be so serious as to justify a refusal of planning permission.
25. Submissions have also been made about the proposed car parking provision within the development and I am conscious that the proposed development would be created around a tightly developed cul-de-sac. Nevertheless, I accept the argument that the parking provision would be sufficient in this location, both in terms of the numbers of spaces for each dwelling and their layout.
26. Among the Council’s reasons for refusal, the need for “infrastructure contributions” in connection with the proposed development is identified. Nevertheless, during the course of this Appeal, a Section 106 Agreement dated 3 November 2022 has been presented and the Council have acknowledged that this meets their concerns and the requirements of Policy GEN6, referred to above. I accept that conclusion and this issue has been resolved, therefore.
27. Evidently, the appeal site lies within an established urban area, which is “sustainable” in planning terms, and the proposed new housing would make a useful contribution to the supply of housing in a preferred location within the District. I have noted that the Officer’s Report in this case reported that the Council was unable to demonstrate a five years land supply but, in view of the clear benefits of the scheme it has not been necessary to apply a “tilted balance” to the planning assessment in this case.

28. In short, I am persuaded that the scheme before me would not be in conflict with the Development Plan, in principle, and that the proposed development can properly be permitted, subject to conditions. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.
29. I have, however, also considered the need for conditions and, in imposing conditions, I have taken account of the conditions suggested by the Council in the usual way (without prejudice to their main arguments in the appeal), as well as the comments made on behalf of the appellants.
30. I have concluded that conditions are necessary, firstly, to define the planning permission and to ensure that quality is maintained. The main parties have agreed a list of relevant drawings, with one additional drawing identified by the Council (although the Council have also provided a list that includes superseded drawings).
31. Conditions are also required to ensure that building quality is achieved through the use of good materials, suited to the locality, while conditions are necessary to ensure that the landscaping of the site is carefully designed and executed, including its initial maintenance. Attention is specifically drawn to the need to include details of the new access within the hard and soft landscaping scheme. Thus, I have included a wide ranging condition to deal with hard and soft landscaping design, which will also cover such matters as boundary treatment, car parking areas, bin storage and so on, notwithstanding the drawings that have already been submitted.
32. Other conditions suggested by the Council (and by Essex County Council) have been adopted, for the reasons given by them, subject to some modifications that have been made in the interest of clarity. Generally, however, a practical approach has been adopted to the timetable for the discharge of various conditions.

Roger C. Shrimplin

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.

2. The development hereby permitted shall be carried out in accordance with the following approved drawings:

Omega Architects drawings numbers:

2955-C-1005-PR-Q (Site Layout);
2955-A-1200-PR-E (Parking Allocation Plan);
2955-A-1201-PR-B (Proposed Refuse Plan);
2955-C-3000-PR-C (Plots 1 & 2 Plans and Elevations);
2955-C-3005-PR-E (Plots 3-4 Plans and Elevations);
2955-C-3010-PR-B (Plot 5 Plans and Elevations);
2955-C-3015-PR-D (Plot 6 Plans and Elevations);
2955-C-3016-PR-A (Plots 7, 8, 9 Plans and Elevations);
2955-C-3027-PR-A (Plot 10 Plans and Elevations);
2955-C-3030-PR-B (Plots 11-12 Plans and Elevations);
2955-C-1010-PR-C (Street Elevation A-A);
2955-C-1011-PR-C (Street Elevations B-B & C-C);

Enplan drawings numbers:

06-963-301 (Rev C) (General Arrangement Plan);
06-963-501 (Rev C) (Hard Landscape Plan);
06-963-701 (Rev C) (Soft Landscape Plan);

Iceni Projects Limited drawings numbers:

20-T052 02 D (Transport);
20-T052 03 C (Transport);
20-T052 05 D (Transport);

Global Surveys drawing number:

20241-Topo (Topographical Survey);

Stuart Michael Associates:

Drainage Maintenance and Management Plan.

3. No materials shall be incorporated into the external surfaces of the development hereby permitted until samples (or specifications) of those materials and drawings (at appropriate scales) of the construction details to be used have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, using the approved materials.

4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The details to be submitted shall include proposed and existing finished levels, means of enclosure and functional services above and below ground (including external lighting). The details of the hard landscape works shall include details of provision for car parking, cycle parking, boundary treatment and access design (including boundary treatment alongside the access). The details of the soft landscape works shall include details of all existing trees in the vicinity of the proposed development (and details of the method of protecting retained trees during the course of the work); planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants (noting

species, plant sizes and proposed numbers or densities where appropriate) and implementation programme.

5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the implementation programme approved by the local planning authority. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

6. Prior to first occupation of any of the dwellings hereby permitted, the areas shown on the approved landscaping scheme as being dedicated to car parking and manoeuvring shall have been laid out and brought into use as such, with a suitable crossover in the public highway. They shall be retained and used for no other purpose thereafter. The landscaping scheme shall define the allocation of the parking spaces to the various dwellings and the spaces shall not be occupied other than in accordance with that approved scheme.

7. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction and site development period. The Plan shall include provision for: a) vehicle routing; b) the parking of vehicles of site operatives and visitors; c) loading and unloading of plant and materials; d) storage of plant and materials used in constructing the development; e) wheel and underbody washing facilities; f) before and after condition surveys to identify defects to the highway and boundary features in the vicinity of the access to the site (and, if necessary, to ensure that any damage caused by the developer or their agents or contractors is properly repaired).

8. One of the dwellings that are approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 Edition.

9. Prior to the first occupation of any dwelling that is hereby permitted, that dwelling shall have been provided with an electric vehicle charging point. The charging point shall be fully wired and connected, ready for first use and retained for occupant use thereafter.

10. Prior to the commencement of development, full details of ground level and other forms of lighting proposed for the communal areas of the development and also for the access road shall be submitted to the local planning authority for written approval as part of the landscaping scheme referred to above, recognising the impact of the scheme on biodiversity. The lighting scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging. The scheme shall show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb bats or prevent them from using their territory. The lighting

scheme shall be executed in accordance with the approved details and specifications. No subsequent alterations to the approved scheme shall be made without the prior written approval of the local planning authority.

11. Prior to first occupation of any of the dwellings that are hereby permitted, full details of the private refuse and recycling collection scheme proposed for the development as a whole shall be submitted to and agreed in writing by the local planning authority, including details of contractual arrangements and of the scheme's implementation. No subsequent alterations to the approved scheme shall be made without the further prior written approval of the local planning authority. The approved scheme shall be fully operational prior to occupation of any of the dwellings and the development shall not be occupied other than in accordance with the approved scheme.

12. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the revised Ecological Appraisal (LUC, July 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

13. Prior to the installation of ground floor slabs for any of the dwellings that are hereby permitted, a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the local planning authority following the recommendations made within the revised Ecological Appraisal (LUC, July 2021). The content of the Biodiversity Enhancement Strategy shall include the following: a) Purpose and conservation objectives for the proposed enhancement measures; b) detailed designs to achieve stated objectives; c) locations of proposed enhancement measures by appropriate maps and plans; d) details of the persons responsible for implementing the enhancement measures; e) details of initial aftercare and long-term maintenance. The works shall be implemented in accordance with the approved details and shall not be altered thereafter.

14. Prior to the first occupation of any dwelling that is hereby permitted, that dwelling shall have been provided with a Residential Travel Information Pack for sustainable transport, previously approved by Essex County Council. The Residential Travel Information Pack shall include six one-day vouchers for use with the relevant local public transport operator.