



Appeal Decision

Site visit made on 12 December 2022

by C Harding BA(Hons) PGDipTRP PGCert MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th February 2023

Appeal Ref: APP/C1570/W/21/3283861

Kings Farm, High Street, Little Chesterford, Saffron Walden CB10 1TS

- 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 Dennis Edwards against the decision of Uttlesford District Council.
 - The application Ref UTT/21/1310/FUL, dated 15 April 2021, was refused by notice dated 28 July 2021.
 - The development proposed is a new four-bedroom house with a detached double garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development would provide satisfactory living conditions for future occupiers with specific regard to privacy, and;
 - The effect of the proposed development upon the character and appearance of the area with specific regard to size and scale.

Reasons

Living Conditions

3. The appeal site comprises an existing area of hardstanding within the grounds of Kings Farm, currently hosting an open-air tennis court. To the east of the appeal site are two existing residential dwellings. Of these, one incorporates a first-floor balcony, and the other, first-floor windows in its western elevations, all of which face towards the appeal site.
4. It is common ground that although the eastern boundary of the appeal site currently comprises a substantial conifer hedge, that the windows and balcony at the neighbouring properties currently have direct views over, and into the tennis court and that there is limited privacy within this area as a result.
5. The proposed dwelling would be located in a broadly central position within the appeal site, and to an extent, would itself screen views from the east over the garden area. However, a significant proportion of the proposed garden would be located to the south of the proposed dwelling and would be subject to direct views from existing first floor windows in the neighbouring property (Blackberry Barn) to the east and at close proximity. As a result, the levels of both actual

and perceived privacy available to future users of this part of the garden area would be limited.

6. Whilst the relationship between the appeal site and the neighbouring dwellings means that there is currently overlooking, this would not justify the relationship between the neighbouring property and the proposed development. At present, the tennis court forms part of a much larger of external space associated with Kings Farm. Its nature means that it is likely to only be used for a specific purpose and for limited times. Furthermore, the size of the existing garden means that occupiers of Kings Farm have the opportunity to utilise other, more private areas should they choose to do so. Therefore, the current situation is not wholly comparable to that which would be created as a result of the proposed development.
7. The existing hedge screening would be retained and enhanced as necessary. However, such screening would have to be a significant height in order to adequately screen views into the proposed garden. It has not been demonstrated this could be realistically achieved. In any case, such screening would take a number of years to become effective. Accordingly, it would not acceptably mitigate the harm I have identified.
8. There would be areas of the proposed garden that would provide higher levels of privacy, particularly to the west of the proposed dwelling, however these areas would be comparatively small in relation to the overall size of the garden area and would be narrow in shape which would limit their useability.
9. As a result, occupiers of the proposed development would not be afforded significant opportunity for external recreation within the appeal site with an acceptable degree of privacy, particularly having regard to the size of the proposed four bedroomed dwelling and the potential number of occupiers.
10. Having regard to the above, the proposed development would fail to provide satisfactory living conditions for future occupiers of the proposed development with specific regard to privacy. It would therefore be contrary to ULP Policy GEN2 which, amongst other criteria, requires development to provide an environment which meets the reasonable needs of all potential users, and the Essex Design Guide, which requires adequate private garden provision.
11. The Council has also identified conflict with Uttlesford Local Plan Policy H4 in relation to this main issue, however, in relation to living conditions, this policy seeks to prevent overlooking of existing neighbouring properties, as opposed to proposed new development.

Character and Appearance

12. The proposed development would comprise a dormer bungalow style development in an 'L' shaped configuration and would be larger in footprint than neighbouring properties.
13. The appellant states that the footprint of the proposed dwelling and garage would amount to the development of 23% of the appeal site, and the Council has not disputed this figure. In this context and taking account of the shape of the appeal site, I consider that the ratio of plot size to proposed buildings would not constitute overdevelopment.

14. Dwellings within Little Chesterford are of a variety of sizes and designs and situated on plots of a variety of sizes. The village is generally linear in nature, however, in the immediate vicinity of the appeal site there are other examples of backland development on smaller sites, and a tighter grain is evident. In this context, the proposed dwelling would not appear as unusually large or cramped within its setting and would remain reflective of its surroundings.
15. The specific approach to detailed design and use of materials are not matters of dispute, and I have not been presented with evidence that would lead me to a different conclusion in these respects.
16. Accordingly, the proposed development would accord with ULP Policies S7, GEN2 and H4, the Essex Design Guide which and the National Planning Policy Framework ('the Framework'), together and amongst other criteria, require new development to make effective use of land, be compatible with the scale, form, layout, appearance and materials of surrounding buildings, not have an overbearing effect on neighbouring properties and protect the particular character of the countryside within which it would be set.

Other Matters

17. The Council acknowledges that it is unable to demonstrate a five-year supply of deliverable housing sites, as required by the Framework. I return to this matter in my 'Conclusion and Planning Balance', below.
18. The existing property, Kings Farm, is a Grade II listed timber framed building dating to the 16th or 17th century. Although the appeal site currently forms part of the wider land holding associated with the property, it is not closely associated with the listed building and due to intervening buildings and vegetation, has no visual relationship with it. Consequently, I consider that it does not form part of the setting of the listed building.
19. The main parties agree that the proposed development would not result in harm to the significance of the listed building or its setting, and I concur with that assessment. In reaching this conclusion, I have paid special attention to the duty to have regard to the desirability of preserving the listed building or its setting.
20. It is agreed that the proposed means of access to the property is acceptable and that the proposed development is suitably located with regard to access to local services and facilities. However, these are neutral factors rather than positive benefits that do not weigh in favour of the proposed development.

Conclusion and Planning Balance

21. As set out above, whilst I have found that the development would be acceptable with regard to its effect upon the character and appearance of the area, it would fail to provide acceptable living conditions for future occupiers. It would conflict with the development plan in this respect, and I attach substantial weight to this.
22. Set against this, the development would make a modest contribution towards the supply of housing in a location with some accessibility to services and facilities. It would also be built to modern energy efficiency standards, and would result in some economic benefits during the construction phase and

through local expenditure by future residents. In view of the current shortfall in housing delivery, I give these considerations moderate weight.

23. On balance, and taking all matters into consideration, I conclude that the adverse impacts of the development would significantly and demonstrably outweigh the benefits. The material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.
24. For the reasons given above, I conclude that the appeal should be dismissed.

C Harding

INSPECTOR