



Appeal Decision

Site visit made on 16 August 2023

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2023

Appeal Ref: APP/C1570/D/23/3317568

Foxtons, Mole Hill Green, Molehill Green Road, Felsted, Essex CM6 3JP

- 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 Robert Ramsay against the decision of Uttlesford District Council.
 - The application Ref UTT/22/3372/HHF, dated 11 December 2022, was refused by notice dated 9 February 2023.
 - The development proposed is detached garage with room above.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. During the determination of the application the Council received amended plans. These are the plans upon which the Council based its assessment and formal decision, and so shall I.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

4. The appeal site comprises a detached dwelling with a verdant front garden and a rear parking area, within a well-proportioned plot with established hedgerows and planting surrounding much of it. It is part of collection of other primarily detached residential dwellings outside the settlement limits to Felsted. These are of various heights, ages, and architectural styles some with outbuildings to their front or sides. Within the visual context of the appeal site, the plots can generally be characterised as spacious and verdant with established vegetation, creating a distinctive character complementary to the inherently rural landscape setting.
5. The Council informs me the appeal site dwelling has been extended considerably, and the dwelling appeared of a greater scale than some of the others within its surrounds. However, the plot retains a degree of spaciousness, and overall, the appeal site is in general keeping with the distinctive character and appearance of the area.

6. Within the countryside, amongst other things Policy S7 of the Uttlesford Local Plan (2005) (the ULP) seeks to protect the countryside for its own sake, strictly control new building to that which needs to be there, and only permit development if its appearance protects or enhances the particular character of the part of the countryside within which it is set. Policy FEL/ICH1 of the Felstead Neighbourhood Plan (2020) (the FNP) expects all proposals shall respect local character and bring about enhancements to that character.
7. The proposed development would include two sizeable garage areas with openings a considerable width above the minimum standard, with floorspace above. It would create a significantly sized building which would be only a limited amount narrower than the host property. Although the first-floor accommodation would be within the roof, the ridge height would still be of a significant height. The size and projection of the dormer windows add to the scale and massing. From what I could see and the evidence before me, these dormers are significantly larger than those at Terleys, so they are materially different, and the two are not directly comparable in appearance.
8. As a result of its overall scale, bulk and its massing, the building would not appear as a subservient addition. Being located a short distance to its rear, it would be viewed closely in the context of the host building. The combination of its proximity, scale, bulk and mass, would be viewed as significantly intensifying the amount of development at the appeal site. It would markedly urbanise the site, harmfully eroding the rural character, and not protecting or enhancing the character and appearance of the area. It has not been demonstrated it is necessary for this development of the scale proposed, needing to take place in the countryside.
9. Skylights and large glazed openings are integrated on the host property. Given their design and position on this appeal scheme, and the materials, these aspects of the proposal would not be out of keeping with the character and appearance of the area. However, this does not alleviate or mitigate the harm from other aspects of the proposed development.
10. The mature surrounding vegetation to its rear and east, and its position rear of the host property, mean visibility of the proposed development would be somewhat restricted in these directions. However, the harmful effects would be apparent when passing the driveway entrance, and to a more limited degree, from the countryside to the west, increasing when the deciduous trees are not in leaf. Planning conditions could mitigate the harm.
11. For the reasons set out above the proposed development would be harmful to the character and appearance of the area. It would conflict with Policies S7, H8 and GEN2 of the ULP and Policy FEL/ICH1 of the FNP. In combination and amongst other things these seek that development is of a compatible design, scale and form to its surrounds, and that it protects or enhances the particular character of the countryside in which it is set. It also conflicts paragraph 197c) of the National Planning Policy Framework (2021) (the Framework) which seeks that development positively contributes to local character and distinctiveness.

Other Matters

12. The Council considers the proposal would be compliant with policies in respect of the living conditions of future and neighbouring occupiers, and biodiversity. Based upon the evidence before me I see no reason to disagree. On this basis

these are neutral matters. From what I saw a large oak tree had a crown that extended very close to the site boundary. If I were to conclude the proposal has provided sufficient evidence to demonstrate, or with the imposition of suitably worded planning conditions, could be made compliant with policies in respect of arboricultural matters, this would be a neutral matter.

13. The appeal site is close to Sackford which is a Grade II Listed Building. Special regard should be given to the desirability of preserving the setting of Listed Buildings under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Council and its heritage adviser do not raise an objection in respect of the significance of this heritage asset. As the appeal is being dismissed, and it is not put to me the proposal would have beneficial effects upon the setting or significance heritage asset, it is not necessary to consider this matter in detail. Were I to have concluded it would have preserved the setting of the asset this would have been a neutral matter.
14. I note the appellant's views of certain aspects of the Council's consideration of the application. I have had regard to the Council's assessment in relation to the planning merits of the proposal, but any other perceived procedural concerns are not within the scope of my remit in a section 78 appeal.

Planning Balance and Conclusion

15. The proposed development would result in benefits to the occupiers of the appeal site dwelling in respect of useable internal space, accommodation and car parking. There is however no evidence to suggest the new space is essential for the needs of the occupier's habitation of the host dwelling. There would also be some minor benefits such as economic benefits during construction. I attribute the overall policy compliance and benefits of the development limited weight. However, these are outweighed by the harm I have found to the character and appearance of the area.
16. The proposed development is contrary to the development plan and the Framework read as a whole. There are no other considerations, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR