



Appeal Decision

Site visit made on 14 August 2023

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2023

Appeal Ref: APP/C1570/W/22/3311287

Coach and Horses, Cambridge Road, Newport, Saffron Walden CB11 3TR

- 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 Cordage 9 Limited against the decision of Uttlesford District Council.
 - The application Ref UTT/21/2674/FUL, dated 25 August 2021, was refused by notice dated 16 May 2022.
 - The development proposed is the erection of four semi-detached dwellings utilising existing access off Cambridge Road, reconfiguration of public house car park, with associated hard and soft landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues relevant to this appeal are:
 - the effect of the development on the character and appearance of the surrounding area; and
 - the effect of the development upon the living conditions of the occupiers of neighbouring properties, with particular reference to privacy.

Reasons

Character and appearance

3. The appeal site consists of an area, including a car park, to the side of an existing public house, but now separate from it. The appeal site is located within the settlement. Most buildings are in a linear pattern. This means that views of the countryside, which features sloping ground, are possible through the gaps in between buildings. Although there are some modern buildings which conflict with this pattern nearby, these are relatively few in number.
4. The proposed development, by reason of the increase in built form, the height of the proposed dwelling and the limited space between the proposed buildings would result in a more urbanised appearance at the appeal site. This would be exacerbated by the proximity of the proposed dwellings to existing buildings nearby.
5. This means that the proposed development would have a notable enclosing effect upon the surrounding area. In particular, the proposed development would mean that the views of the countryside beyond the settlement would be diminished. This would mean that the development would have a greater

- urbanising effect given that it would result in the removal of gaps in between buildings. In result, the development would conflict with the more rural form of development that is the predominant feature of the surrounding area.
6. The development might reflect a more historical plot layout. However, given that the proposal would result in an erosion of the relationship between the settlement and the countryside beyond, the plot layout does not overcome my concerns, even though the development is unlikely to cause harm to any heritage assets.
 7. Therefore, the proposed development would be an incongruous addition to the locality. This would occur irrespective of the materials from which the development would be constructed from.
 8. The proposed development takes some design cues from the nearby Bridge End. Whilst this matter is noted, Bridge End features some limited gaps between buildings, which allows the settlement to harmonise with the rural surroundings. Therefore, the presence of these dwellings does not overcome my previous findings.
 9. It has been suggested that the views of the proposed development would be relatively limited. I have had regard to the suggested field of view that has been included within the evidence before me. Notwithstanding this suggestion, it is likely that the proposed development would be visible from further away along Cambridge Road. In addition, views of the development would be possible from the nearby junction of Cambridge Road and Granta Mead Close.
 10. Furthermore, there would be views for the proposed development from nearby properties, such as other dwellings sited in Cambridge Road.
 11. From these viewpoints, it is currently possible to have, at least partial views of the countryside beyond the settlements, including the valley edges. The development would therefore obscure the views of the countryside. The consequence of this is that the development would result in an erosion of the character of the settlement.
 12. As a result of the prominence of the appeal site, the proposed development has the potential to be experienced by a great number of people. This would render the proposed development a strident addition to the locality. This would also occur irrespective of the layout of the development.
 13. I acknowledge that the wider area features some relatively modern developments, which result in a projection further back from the relatively linear pattern of Cambridge Road. However, these occur on a relatively infrequent basis. In addition, the development would, in unison with these, result in a greater erosion of the character of the surrounding area due to diminished views of the countryside beyond the settlement. Therefore, the presence of developments elsewhere does not allow me to disregard my previous concerns.
 14. The Council's reason for refusal refers to Policy H4 of the Uttlesford Local Plan (2005) (the Local Plan). However, this policy refers to the effects of a development upon the living conditions of the occupiers of neighbouring properties; and seeks to reuse under utilised land. For the preceding reasons, I do not believe that, in this regard, the policy has been breached. However, this does not allow me to forego my preceding concerns.

15. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with the requirements of Policies GEN2; and S7 of the Local Plan and Policies NQRHA1; NQRHA2; NQRHA3; and NQRHD2 of the Newport, Quendon and Rickling Neighbourhood Plan. Amongst other matters, these seek to ensure that developments safeguard important environmental features in its setting; is appropriate to a rural area; relate well to the villages; are sensitive to the setting of Newport; maintain cross-valley views; and contribute to local character.

Living conditions

16. The proposed dwellings would be located near to the side boundary of the existing public house site. Beyond this boundary is Granta Mead Close, which contains several houses. Some of these houses feature gardens that are adjacent to the shared boundary with the appeal site.
17. The proposed dwellings would be located perpendicular to Cambridge Road. This means that they would be sited parallel to the nearest section of Granta Mead Close. Although the proposed dwellings would have a relatively low eaves height, the proposed dwellings would feature windows at a first-floor level.
18. These windows would face the private gardens of some of the dwellings in Granta Mead Close. In result, the proposed development would result in an erosion of the privacy of these spaces owing to the direct line of sight that would exist between the proposed dwellings and the existing properties. These views would occur over the boundary treatments of the appeal site.
19. Given that the proposed development would feature four dwellings, there would be a significant number of windows that would face the neighbouring properties, which would result in a significant erosion of the living conditions of the occupiers of the neighbouring dwellings.
20. In addition, owing to the proximity of the proposed dwellings to the shared boundary between the appeal site and the dwellings in Granta Mead Close, there would be insufficient distance, or architectural features that might diffuse views from the first-floor windows. Although there is a boundary fence in place, the overall screening effect would be limited and would not allow me to forego my preceding concerns.
21. Although some windows of the existing dwellings face the gardens of the properties in Granta Mead Close, the development would result in a notable increase in windows facing the existing gardens, which would result in an erosion of living conditions.
22. My attention has been drawn to the requirements of the Essex Design Guide. Although the minimum separation distances within this guide may have been exceeded, the Design Guide is also clear that, in certain instances, Local Planning Authorities may require greater separation distances. Therefore, the requirements of the Essex Design Guide does not overcome my concerns, given the availability of views into the neighbouring gardens.
23. In result, although the proposed development may well comply with this guidance, it does not necessarily mean that the scheme is acceptable in all regards given the harm to which I have already identified. Therefore, the presence of this guidance does not overcome my previous concerns.

24. In addition, by reason of the proximity of the first-floor windows of the proposed dwellings, movement behind the windows is also likely to be perceptible in the gardens of the neighbouring properties. This would also contribute to an overall reduction in the level of perceived privacy for the existing occupiers.
25. Given that the affected areas of the existing properties are private spaces, the erosion of the overall level of privacy of these gardens would diminish. Since these gardens are likely to be the only areas where private outdoors recreation might take place, the erosion of the privacy of these spaces means that the effects of the proposed development would be particularly adverse.
26. In considering this appeal, I have been directed towards Policy H4 of the Local Plan. Although this policy is clear that back land development, subject to meeting certain criteria, might be supported, it is also clear that the policy requires that the living conditions of the occupiers of neighbouring properties be maintained. For the preceding reasons, this policy has been complied with.
27. I therefore conclude that the proposed development would have an adverse effect upon the living conditions of the occupiers of neighbouring properties. The development, in this regard, would conflict with the requirements of Policy GEN2 of the Local Plan. Amongst other matters, this seeks to ensure that new developments would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential property.

Other Matters

28. The appeal site is located near to the existing public house, which is a Grade II Listed Building. However, given that I am dismissing this appeal the development would not result in an adverse effect upon the setting of this building, or indeed any other heritage asset.
29. I understand that, in devising the appeal proposals, the appellant was attempting to overcome the reasons for the refusal of previous developments. Whilst this is a matter of note, I have assessed the development against the requirements of adopted development plan policies. From these breaches, harm would emanate.
30. The Council cannot currently demonstrate a five-year housing land supply as required by the National Planning Policy Framework (the Framework). There is some debate between the Council and appellant regarding the precise level of the shortfall, however, it is clear that it is below the five-year requisite.
31. In consequence, the provisions of Paragraph 11(dii) of the Framework apply. This states that planning permissions should be granted unless 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. This is referred to as the 'tilted balance'.
32. In this instance, the proposed development would generate some benefits to the local housing supply. However, given that the development would only result in the provision of four dwellings, this would not result in a substantial reduction in the local housing shortfall. In consequence, the benefit to the local housing supply can only be given a limited amount of weight.

33. The proposed development would also result in the reuse of land. However, given that it has not been demonstrated that the proposed development represents the only way in which the land might be developed, this matter can only be given a limited amount of weight.
34. The proposed development would also deliver some economic benefits. These would comprise the benefits arising from the construction process. In addition, some economic benefits would also be derived from the occupation of the development in the form of support of local businesses and facilities.
35. However, there is no evidence before me that indicates that local businesses and facilities are declining due to a lack of residents. In result, these economic effects are unlikely to be particularly large due to the nature of the development. Furthermore, in some instances, they are also likely to be of a time limited duration. Therefore, they can only be attributed a limited amount of weight.
36. Overall, the high level of harm to the character and appearance of the surrounding area, combined with the significant harm to the living conditions of the occupiers of neighbouring properties, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Accordingly, on this occasion other considerations do not indicate the decision should be taken otherwise than in accordance with the development plan.

Conclusion

37. The proposed development would conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR