



Appeal Decision

Site visit made on 18 July 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 31 August 2023

Appeal Ref: APP/C1570/W/22/3311484

Halt Bungalow, Wood End Green, Henham, Essex CM22 6AY

- 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 Lisa Woodrow against the decision of Uttlesford District Council.
 - The application Ref UTT/22/0713/FUL, dated 11 March 2022, was refused by notice dated 26 May 2022.
 - The development proposed is a replacement dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. I have had regard to the statutory duties set out in Section 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 in reaching my decision.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area, having particular regard to whether the development would preserve or enhance the character or appearance of the Henham Conservation Area.
 - The living conditions of the occupiers of Holmwood, with particular regard to outlook and privacy.

Reasons

Character and appearance

5. Henham Conservation Area (HCA) has been divided into three distinct character areas. The appeal site lies within the area known as Woodend Green which derives significance from its low-density, parkland atmosphere and variety of architectural styles. Despite the variety there is a visual unity in the immediate locality that results from consistency in traditional detailing and a limited range of building materials. The area is characterised by gently curving

streets and generous open spaces including water features. Mature planting and distant countryside views are a prominent feature of the area.

6. The appeal site comprises a bungalow set within a spacious plot enclosed by mature hedgerows, adjacent to a large verdant area of open land, known as Woodend Green. The properties surrounding Woodend Green vary in size, design, and age. However, the appeal property and its immediate neighbours are all single storey in height. When combined with the sloping topography and mature trees and hedges, the properties to the south of the Green are minimally visible. The parties agree that the existing bungalow itself has a neutral impact on the HCA and having visited site I see no reason to disagree. However, the uninterrupted views of open countryside offered over the appeal site contributes significantly to the rural, verdant character of the HCA.
7. The proposal would replace the existing bungalow with a substantial two-storey property built with sustainable materials. Although the proposed dwelling would be of a similar scale and design to other properties in the wider area, it would significantly increase the built mass on the appeal site and would be substantially larger than the closest surrounding properties.
8. The appellant contends that the proposed dwelling would not block the important countryside views over the site. However, due to its scale, it would appear prominent when viewed from Woodend Green and would dominate the surrounding single-storey bungalows. Whilst the mature planting would partially obscure the proposal, the effectiveness of the screening would vary throughout the year.
9. Overall, the proposal would have an enclosing effect on Woodend Green and would harmfully reduce the views of open countryside offered over the appeal site which contributes positively to the HCA. Consequently, the proposal would fail to preserve the rural, verdant character of the HCA and would cause less than substantial harm to its significance.
10. Given the above, I conclude that the proposal would not preserve or enhance the character of the HCA. The proposal would conflict with Policies S7, GEN2, H7, and ENV1 of the Uttlesford Local Plan (January 2005) (ULP). Where collectively they seek to ensure that development preserves or enhances the character and appearance of conservation areas and the countryside whilst considering scale and visual impact. The proposal would also conflict with the Framework which requires developments to be sympathetic to local character and history.

Living conditions

11. The property adjacent to the appeal site, Holmwood, is single storey in height with a plot which intertwines with the appeal site. The rear of Holmwood partially overlaps with the rear of Halt Bungalow with a minimal separation distance. Although the properties are in close proximity, hedging prevents overlooking and affords the occupiers of Holmwood ample privacy. The limited height of Halt Bungalow and the minimal overlap of the rear elevations provides Holmwood with an open rear outlook towards Woodend Green.
12. The proposed dwelling would be two storeys in height and would increase the existing overlap with Holmwood. I acknowledge the discrepancies between the various measurements referred to by the parties and that the main bulk of the

proposal would be set further back than the current rear building line of Halt Bungalow. However, the proposal would be substantially taller and wider than the existing bungalow. Having visited site and reviewed the submitted plans, I am satisfied that the increased separation distance would not be sufficient to mitigate against the increased scale of the dwelling. The proposal would appear dominant and overbearing when viewed from Holmwood and would harmfully reduce the openness of the rear outlook from the property.

13. Although there are no dormer windows facing Holmwood, a first-floor window serving a bedroom would be provided on the rear elevation of the proposal. Consequently, due to the minimal separation distances and high vantage point, Holmwood would become overlooked. Even though the primarily affected room within Holmwood is the kitchen/diner, the proposal would unduly harm the levels of privacy currently afforded to the occupiers. The appellant asserts that the window in question could be obscurely glazed, however this would fail to provide a satisfactory living environment for the future occupiers of the appeal proposal with respect to outlook.
14. Therefore, I conclude that the proposal would harm the living conditions of the occupiers of Holmwood with regard to outlook and privacy. The proposal would conflict with Policy GEN2 of the ULP which requires that development does not have a materially adverse effect on the reasonable occupation and enjoyment of residential properties, as a result of loss of privacy or overbearing impact.

Other Matters

15. I note that one intention of the proposal is to provide suitable accommodation for elderly relatives. Therefore, I have had regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010. The duty includes having regard to the need to eliminate discrimination, harassment and advance equality of opportunity between those sharing relevant protected characteristics and those who do not. Whilst I am mindful of the needs of the family members, it has not been demonstrated that the scale and design of the proposal is specific to their needs, or that they cannot be met by a less harmful scheme. Therefore, the PSED considerations do not outweigh the harm that I have identified, and following careful consideration of these matters, I am satisfied that the impact of dismissing this appeal is proportionate and justified.
16. I understand the appellants frustrations that many of the objections raised appear formulaic and that the appellant has a long history with the appeal site, but these are not planning matters and have had no bearing on my assessment of the proposal. Although all of the land at the southern edge of Woodend Green used to be part of the curtilage of Halt Bungalow, each appeal must be considered within its current context.
17. The appellant asserts that the proposal would release two family properties within the local area, increasing local housing supply. Nevertheless, I have no substantive evidence before me to support this position and there is no guarantee that this would be the case. I acknowledge that there have been no objections from the ecology officer and that the proposal would provide biodiversity enhancements. However, due to the scale of the proposal, the ecological benefits would be limited and would not outweigh the harm identified.

18. Sufficient vehicular access and garden space would be provided. Nevertheless, these are neutral factors which neither way in favour of, or against the proposal and would be expected of any well-designed scheme. Whilst I understand that the proposal seeks to replace the existing outdated bungalow with a sustainable modern alternative, this in itself is not a reason to allow for unacceptable development.
19. The site forms part of the setting of the adjacent Grade II listed properties, Woodend Green Cottages. The cottages derive significance from their architectural character and detailing. Despite the proximity of the proposal, due to the intervening highway and boundary treatments there would be no harm to the setting of the listed buildings.

Conclusion

20. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework that would outweigh that conflict. Therefore, the appeal is dismissed.

K Allen

INSPECTOR