

Appeal Decision

Site visit made on 1 September 2023

by S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 18th September 2023

Appeal Ref: APP/C1570/D/23/3325388

Bower Cottage, High Street, Clavering, Essex CB11 4QR

- 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 Mrs Elizabeth Norman against the decision of Uttlesford District Council.
 - The application Ref UTT/22/1921/HHF, dated 10 July 2022, was refused by notice dated 31 May 2023.
 - The development proposed is the demolition of a garage and the construction of a replacement cart lodge with driveway and garden remodelling.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of a garage and the construction of a replacement cart lodge with driveway and garden remodelling at Bower Cottage, High Street, Clavering, Essex CB11 4QR in accordance with the terms of the application ref UTT/22/1921/HHF, dated 10 July 2022, subject to the following conditions: -
 - i. The development hereby permitted shall begin no later than three years from the date of this decision.
 - ii. The development hereby permitted shall be carried out in accordance with the following approved plans:

1005-DT-01 A (Proposed garage plans and elevations, but wrongly titled existing plans).
1005-LA-03A (Landscape General Arrangement plans).
1005 LA 01 (Location Plan).
1005 – FN -01. (Materials palette for the landscaping proposals)woul
 - iii. Notwithstanding what is shown on the submitted plans, no above ground development shall commence until details of the external materials to be used in the development have been submitted to and approved in writing by the local planning authority. The development shall thereafter accord with the approved materials.

Procedural Matter

2. The local planning authority (LPA) has been asked to clarify the plans upon which the application decision was based, and the appellant has also been given an opportunity to comment. The LPA has confirmed that *'the plan ref 1005-DT-01 A should have been titled as 'Revised Garage Plans and Elevations' rather than 'existing'.*
3. The LPA has also confirmed that *' the Landscaping Plan used in the decision was the Revised plan 1005-LA 03A'.*

Main Issues

4. The main issues are (i) the effect of the proposal upon the setting of the host Grade II listed building, Bower Cottage and (ii) whether the proposal would preserve or enhance the character or appearance of the Clavering Conservation Area (CA).

Reasons

Setting of the Listed Building

5. Bower Cottage is a two-storey, cream painted, detached, Grade II listed building located in a mainly rural roadside setting. There are other properties in the vicinity, especially towards the south, but it's setting is generally one of a roadside property, set back somewhat from it, with a small front garden with a side vehicular access, all set within a bosky environment.
6. The proposed replacement building, being closely associated with the host building, would not extend into or adversely affect the LB's wider landscape setting.
7. The LPA raises no objections to the proposed redesign of the rear garden, and I see no reason to disagree as it would not adversely affect the setting of the LB.
8. The existing garage, which has a lower height than the host property, is in a somewhat dilapidated state. The replacement building would be located in approximately the same position but would have a greater net height to its pantile roof than the existing building by some 0.5 metres when the proposed reduced finished floor level compared to the existing building is taken into account.
9. The LPA considers that the proposed development would present a large, unbroken area of roof which would detract from the setting of the LB. However, the proposed roofing material would reflect that of the existing garage. In addition, the LB and its setting is most visible from the main road and from which both the existing and proposed outbuildings are set well back and to the rear of the property. Even though the replacement property (and the existing) would be set on higher ground to the host dwelling, I consider that, by its limited increase in its height, it would still appear subservient to the

host property and by this and its overall appearance, would preserve its setting both in terms of the wider rural landscaped area and in terms of its more immediate impact.

10. Therefore, I conclude that the proposed development would accord with Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and with chapter 16 of the National Planning Policy Framework 2023 (the Framework) relating to the preservation of the setting of the LB.

Character and appearance

11. The CA is characterised as a linear village with most development bordering the High Street. The area of the CA in the vicinity of the appeal property is one of houses in substantial plots, often bordered by substantial tree covering.
12. The host property, by its overall design, including its coloured walls, its thatched roof and its small front garden, adds positively and distinctively to the significance of the CA.
13. The replacement outbuilding, being set back from the front of the host property and being sited in approximately the same position as the building it would replace, would not alter fundamentally the existing situation in terms of the character and appearance of the CA.
14. The LPA considers that the need for certain elements in the proposed building has not been demonstrated, including the proposed shower, toilet and kitchen facilities. It also considers that the proposed size of the proposal exceeds the parking needs of the Essex County Council for a single parking space. However, I find nothing in the Framework, nor have I been directed to any LP policy to show that a need for such facilities has to be demonstrated. In any event I have determined the appeal proposal on its individual planning merits in terms of its impact upon the character and appearance of the CA.
15. Therefore, I conclude that the proposed development would accord with policy S7 of the LP which aims to protect the character and appearance of the countryside.

Conditions

16. I have imposed the standard time condition and a condition to ensure the development is in accordance with the approved plans in the interests of certainty. I have also imposed a condition relating to the external materials in the interests of good design.

Conclusion

17. For the reasons outlined above, the appeal should be allowed.

S. Hartley

INSPECTOR