



Appeal Decision

Site visit made on 25 September 2023

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2023

Appeal Ref: APP/C1570/D/23/3324498

Maple House, The Down, Stebbing, Essex CM6 3RA

- 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 Ian Ford-Robertson against the decision of Uttlesford District Council.
 - The application Ref UTT/23/0353/HHF, dated 8 February 2023, was refused by notice dated 31 March 2023.
 - The development proposed is a 1st floor extension at 1st floor and replacement of weatherboarding at ground floor level with render finish; modifications to fenestration.
-

Decision

1. The appeal is allowed and planning permission is granted for a 1st floor extension at 1st floor and replacement of weatherboarding at ground floor level with render finish; modifications to fenestration at Maple House, The Downs, Stebbing, Essex CM6 3RA in accordance with the terms of the application, Ref UTT/23/0353/HHF, dated 8 February 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 22-2250 D01 Rev 2, 22-2250 D02 Rev 1, 22-2250 D03 Rev 1, 22-2250 D04 Rev 1, 22-2250 D05 Rev 1 and 22-2250 D06 Rev 1.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the site and the surrounding area and
 - the effect of the proposed development on biodiversity, with regard to a protected species (Bats).

Reasons

Character and appearance

3. The appeal site is located within a row of predominantly detached dwellings, set back from The Downs. The architecture and material finishes of the dwellings within the row is varied, although development is typically two-storey in scale with a prevalence of forward facing gables. Maple House is unusual having been altered significantly. A substantial single-storey element, finished with a hipped roof, projects forward from the main part of the dwelling.

4. The proposal includes a first floor addition extending over part of the single-storey element, with a gable end facing The Downs. The gable end would reflect those found within The Downs, including at Rosano immediately adjacent to the site. The proposal would not lead to an enlargement beyond the existing footprint, and the resulting dwelling would be comparable in scale to other dwellings in the locality.
5. Although the extension would be visible within the street scene, particularly in views on the approach from Brick Kiln Lane, the proposal would be set back from the front of the dwelling and would not appear unduly prominent. Furthermore, the height of the existing single-storey element would be lowered, reducing the prominence of the building.
6. I conclude that the proposal would have an acceptable effect on the character and appearance of the site and the surrounding area. The development would therefore accord with policies GEN2 and H8 of the Uttlesford Local Plan (ULP) and the Supplementary Planning Document – Home extensions, which require proposals to be compatible and respect the host building and surrounding development.

Protected species

7. The Council's second reason for refusal relates to the failure to provide sufficient information to demonstrate that the proposal would not have an adverse impact upon bats, having regard to their status as protected species under the *Wildlife and Countryside Act 1981* and as European Protected Species (EPS) under the *Conservation of Habitats and Species Regulations 2017* (the Habitats Regulations).
8. The appellant commissioned a Bat Survey dated May 2023. This included an inspection of the site. No evidence of bats was found during the survey, although it was considered probable that bats from nearby roosts will forage across site. The evidence finds that the Bat which accesses the site for foraging would not be disturbed by the development. I have no reason to challenge the methodology or findings of the report.
9. I conclude that the proposal would not have a harmful effect on biodiversity, with reference to Bats. The development therefore accords with ULP Policy GEN7, which seeks to prevent proposals that would have a harmful effect on wildlife.

Other Matters

10. The site is adjacent to Rosano, which has windows within the side elevation facing the site. Given the orientation of the proposal and the position of the extension away from the boundary, the scheme would not have an unacceptable effect on the living conditions of the occupants of Rosano.

Conditions

11. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty.

Conclusion

12. The proposal would accord with the development plan as a whole and there are no material considerations, which would indicate that a decision should be made otherwise. Therefore, for the reasons given, I conclude that the appeal is allowed.

J Pearce

INSPECTOR