



Appeal Decision

Site visit made on 16 January 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th February 2024

Appeal Ref: APP/C1570/W/23/3322695

13 Broom Farm Road, Elsenham, Essex CM22 6LD

- 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 Barnes against the decision of Uttlesford District Council.
 - The application Ref UTT/22/1050/FUL, dated 12 April 2022, was refused by notice dated 27 January 2023.
 - The development proposed is the demolition of garage and rear extension and erection of a two-storey dwelling together with associated access, car parking and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of garage and rear extension and erection of a two-storey dwelling together with associated access, car parking and amenity space at 13 Broom Farm Road, Elsenham, Essex CM22 6LD in accordance with the terms of the application, Ref UTT/22/1050/FUL, dated 12 April 2022, subject to the conditions appended to this decision.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on parking provision and highway safety; and
 - the effect of the proposed development on the living conditions of neighbouring occupants, with particular regard to outlook and overshadowing.

Reasons

Character and appearance

3. The appeal site comprises a small parcel of land associated with 13 Broom Farm Road.
4. Properties surrounding the site are of a similar scale and period. They are also, typically, orientated towards the road. However, many properties appear to have undergone extensions and alterations over time, meaning that there is limited consistency or uniformity within the street scene. Moreover, separate dwellings have been constructed in some locations, including No 11A.

5. The proposed dwelling would be visible from much of Broom Farm Road, and from the private vantage points of some nearby properties. However, by reason of the position of the dwelling between and in line with established built form, together with the use of similar external materials, the proposed development would have little appreciable effect on the already varied and altered street scene. Accordingly, the proposed development would appear neither cramped nor out of keeping within its setting.
6. For the above reasons, I conclude that the proposal would have an acceptable impact on the character and appearance of the area, in accordance with the relevant provisions of Policy GEN2 of the Uttlesford Local Plan (LP, 2005). This policy, amongst other objectives, seeks to ensure that development proposals are compatible with the scale, form, layout, appearance and materials of surrounding buildings.

Parking and highway safety

7. The appeal site is positioned at the end of Broom Farm Road, which is a residential cul-de-sac with a turning head at its eastern end. I note that the site is not subject to a controlled parking zone. Many of the residential properties near to the site have off-street parking in the form of a driveway, with informal parking also taking place within the street. During my early afternoon site visit I noted a number of parked cars along Broom Farm Road, including some on the pavements. This was in addition to cars parked on driveways. The volume of cars is likely to be higher in the evenings and at weekends.
8. Vehicular and pedestrian access to the proposed development would be via the existing turning head. The existing footway and highway (including dropped kerb) is already used to access the site by vehicles at present. The Council has nonetheless raised concerns around the proposed parking area, setting out that this would not be clear of the highway boundary meaning that vehicles would overhang it. The authority also sets out that the scheme would not be in accordance with Essex County Council's Parking Standards: Design and Good Practice (Parking Standards, 2009). For a development of this nature, two car parking spaces would be required and the document sets out a preferred bay size of 5.5 metres x 2.9 metres.
9. From the evidence before me, the proposed development would accommodate two dedicated car parking spaces. These are shown as being set away from the highway boundary. It has also been confirmed that these spaces would measure the preferred 5.5 metre x 2.9 metre bay size. Moreover, the spaces would be provided, in part, within an undercroft, an arrangement which is encouraged by the Parking Standards.
10. The proposed development would provide only one additional dwelling, which is therefore unlikely to result in a significant increase in the numbers of pedestrians or vehicles using Broom Farm Road, or the number of parked cars in the highway. There is no substantive evidence before me to indicate that there are, or would be, any issues relating to pedestrian safety either at present or as a result of the proposed development.
11. Overall, I conclude that matters relating to parking and highway safety are acceptable. The proposed development would therefore accord with the relevant provisions of LP Policies GEN1 and GEN8. These policies, in summary,

seek to ensure that development proposals do not have a detrimental effect on highway safety or patterns of movement and provide appropriate levels of parking.

Living conditions

12. Whilst I accept that the proposed development would be positioned closer to the boundaries of neighbouring properties than existing built form, the dwelling would be of a similar scale and bulk to those existing properties. This would be visible from some neighbouring properties but would not be of such a scale as to result in an unacceptably harmful loss of light or outlook to the occupiers of No 13 Broom Farm Road.
13. Moreover, the private amenity space of No 13 is deep and extends well beyond the proposed dwelling, such that there would be no unacceptable loss of light or a sense of enclosure to users of that space.
14. For the above reasons, I conclude that the proposed development would not unacceptably harm the living conditions of neighbouring occupants, in accordance with the relevant provisions of LP Policy GEN2. This policy, in part, seeks to protect the living conditions of residents in terms of privacy, daylight and overbearing and overshadowing impacts.

Other Matters

15. I note the comments from neighbours and others in respect of the proposed development, including in relation to overdevelopment, living conditions, parking, disturbance from headlights, loss of trees and disturbance during construction.
16. Matters relating to design, living conditions and parking have been discussed above. There is no dispute between the Council and appellant in respect of the loss of trees or landscaping. Based on the evidence before me and my observations on site, I have no reason to disagree with those findings.
17. The effects of noise during construction would be short term only and limited by reason of the extent of the proposal. Similarly, the level of light pollution produced by the proposed dwelling and any car movements is likely to be limited, both in its extent and timing, and would be consistent with the established domestic setting. Consequently, these matters do not lead me to an alternative conclusion on the main issue.

Conditions

18. In addition to a condition relating to the statutory time frame, I have imposed a condition to ensure the development is carried out in accordance with the approved plans, for certainty. In the interests of visual amenity, I have imposed a condition relating to materials. Conditions relating to the provision of the parking illustrated spaces and an electrical charging point have been imposed for certainty and in the interests of sustainability. A condition relating to obscured glazing is imposed in the interests of the privacy of neighbouring occupants. A condition requiring cycle parking has been imposed in order to ensure that sufficient space is provided.
19. Suggested conditions removing permitted development rights and requiring details of contamination have not been imposed given the nature of the site

and that there is insufficient evidence before me to demonstrate why these measures are reasonably necessary in this particular case. A suggested condition relating to accessibility under Building Regulations has not been included as any such requirements would be appropriately dealt with under that legislation.

20. A suggested condition requesting a residential travel information pack has not been included given the limited scale and nature of the development. A further suggested condition relating to unbound material has not been included as there is insufficient evidence before me to demonstrate why this is reasonably necessary in this particular case. A suggested condition relating to nuisances during works has not been included as it is imprecise and, to my mind, unenforceable.

Conclusion

21. For the reasons given above, having had regard to all other matters raised, I conclude that the appeal should be allowed.

A Price

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
654.1/PL05 Rev C;
654.1/PL02;
654.1/PL03;
654.1/PL13;
654.1/PL14;
654.1/PL15;
654.1/PL100 Rev C;
654.1/PL101.
- 3) Prior to the commencement of the relevant part of the development hereby permitted, details of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) The dwelling hereby permitted shall not be occupied until space has been laid out within the site in accordance with drawing 654.1/PL101 for 2 cars to be parked, together with any necessary associated widening of the access to accommodate the vehicles. That space shall thereafter be kept available at all times for the parking of vehicles.
- 5) The dwelling hereby permitted shall not be occupied until 1 electrical car charging point has been provided, installed and retained for the lifetime of the development.
- 6) The dwelling hereby permitted shall not be occupied until space has been laid out within the site in accordance with the Council's parking standards. That space shall thereafter be kept available for the parking of bicycles.
- 7) The dwelling hereby permitted shall not be occupied until the window at first floor level on the north elevation has been fitted with obscured glazing, and no part of that window less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the Local Planning Authority before the window is installed and once installed the obscured glazing shall be retained thereafter.