



Appeal Decision

Site visit made on 8 April 2024

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 April 2024.

Appeal Ref: APP/C1570/W/23/3323003

Land rear of Woodene, High Street, Little Chesterford CB10 1TS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Marilyn Miller against the decision of Uttlesford District Council.
 - The application Ref UTT/22/3321/OP, dated 6 December 2022, was refused by notice dated 21 April 2023.
 - The development proposed is a new detached dwelling.
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Decision

1. The appeal is allowed and permission is granted for a new detached dwelling at Land rear of Woodene, High Street, Little Chesterford CB10 1TS, in accordance with the terms of the application, Ref UTT/22/3321/OP, dated 6 December 2022, subject to the attached schedule of conditions.

Preliminary Matter

2. The application was submitted in outline with all matters reserved for future determination. However, illustrative drawings showing how a dwelling might be accommodated on the site were submitted at application and revised at appeal stage. I have dealt with the appeal taking these into account.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the street scene.

Reasons

Character and appearance

4. The proposal is for a detached dwelling on an area of ground on the southern side of the High Street next to another detached property, Arpinium. The site originally formed part of the rear garden of Woodene, a further detached house which faces Walden Road to the east. The site backs onto the rear garden of Rider's Croft, which lies next to Woodene, and faces a series of other properties which line the northern side of the High Street. The most distinctive feature of the site is its elevated height above the road due to a roadside bank.
5. Little Chesterford has no 'development limits' defined in the Uttlesford Local Plan 2005 (the ULP) and consequently lies in the countryside where Policy S7 strictly controls new development. However, ULP paragraph 6.14 permits 'sensitive infilling of small gaps in small groups of houses outside development

limits... if development would be in character with the surroundings and have limited impact on the countryside in the context of existing development'. The site also lies within the Little Chesterford Settlement Boundary defined by the Great and Little Chesterford Neighbourhood Plan 2023 (the NP) where Policy GLCNP/2 allows development which is sensitively designed, respects the historic nature and historic architecture, and conforms to the existing linear development pattern.

6. With existing residential properties opposite, on either side of the site and with domestic garden to the rear a further infill dwelling would not be out of place in land use terms. The width of the plot would be similar to others in the vicinity so a new property would appear similarly spaced to the others along the High Street. Whilst the depth of the plot would be unusually limited, this would not be apparent when seen from the front and would not affect the character of the countryside to the south from where the village is seen as a whole.
7. Rider's Croft to the south east and Kings Farmhouse to the west are Grade II listed timber framed and plastered houses, of 18th century appearance and the 16th/17th century respectively. The vernacular cottage Woodene to the east is a non-designated heritage asset. All of these however are seen amongst more recent properties in a village setting and this context would be preserved with a further infill dwelling. The village is not designated as a conservation area.
8. The principal feature of the site is the roadside bank which contributes to the sunken lane appearance of the High Street, vestiges of the bank being retained for some distance along the road to the west. The NP observes in paragraph 5.5.5 that sunken banks running alongside the road are a historical and unique feature of the village and they provide a buffer between roads and properties; they add to the character of the village, contributing to the historical charm and feel. Policy GLCNP/5 thus seeks their conservation or enhancement.
9. A dwelling on the appeal site would inevitably involve cutting into the bank for access purposes but the illustrative plans submitted at appeal stage show how this could be limited to a section of the bank with most living accommodation provided at upper floor level. The adjacent two-storey detached property, Arpinium, involved cutting away the bank for the whole width of the plot but this would not be repeated. By retaining much of the bank the scheme would reflect the character of buildings with sections of bank as seen along the road, thereby protecting its overall character and appearance. A suitably designed dwelling would not adversely impact the locally important views shown on figure 5.14 and protected by Policy GLCNP/4b of the NP.
10. A previous application for a dwelling on the site was dismissed on appeal¹ in 1997 but, as illustrated in the Council's committee report, this was for a large scale, high ridge, two-storey dwelling with significantly greater visual impact than the current illustrative proposal.
11. For these reasons the proposal would not significantly harm the character and appearance of the street scene and would comply with ULP Policy GEN2 and NP Policies GLCNP/4b and 5. These require new development to be compatible with the form, layout and appearance of surrounding buildings, to safeguard important environmental features, to maintain locally important views and to

¹ T/APP/C1570/A/97/281490/P7

conserve or enhance the sunken banks in the village. The proposal therefore complies with the requirements of ULP paragraph 6.14 and NP Policy GLCNP/2.

Other matters

12. A suitable dwelling on the site would not result in any significant loss of light or overshadowing of nearby properties, nor privacy or overlooking concerns. The highway authority raise no highway safety issues. The detailed siting, design and materials of the proposal would be determined at reserved matters stage. Disturbance from construction would only be for a temporary period.
13. The Council has put forward several conditions should the appeal be allowed, and these have been assessed against the relevant tests with minor changes made as necessary. In addition to the standard time limits for submission of reserved matters and implementation it is necessary to control the external materials to be used to ensure the satisfactory appearance of the development. Conditions are necessary to ensure archaeological investigation and publication in view of potential remains on the site, and further conditions to secure energy and water efficiency and a vehicle charging point to address climate change. Further conditions are necessary to ensure remediation of any contamination found on site, to secure an accessible and adaptable dwelling to meet the future needs of residents and to ensure ecological mitigation and enhancement measures are implemented as proposed in the application². Following consultation with the parties, an additional condition has been imposed to limit hours of working in order to minimise disturbance to nearby residents during construction. Finally, as suggested by the appellant, a condition is necessary to ensure reserved matters are based on the latest illustrative plans as these demonstrate how a dwelling could acceptably be accommodated on the site.

Conclusion

14. The proposal would provide an additional dwelling which would contribute to local housing needs and have economic and social benefits for the village. It has been demonstrated that a suitable scheme could be accommodated on the site whilst retaining much of the bank. The proposal accords with the policies of the ULP and NP and in the absence of any significant adverse material considerations there is no reason to withhold permission.
15. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR

Schedule of conditions

- 1) Approval of the details of access, scale, layout, landscaping and appearance (hereafter called "the Reserved Matters") must be obtained from the Local Planning Authority in writing before development commences and the development must be carried out as approved.

² A condition requiring a biodiversity strategy is unnecessary as one was submitted with the application; there is also no need for a lighting condition for biodiversity reasons as there is no evidence of any specific features on site that are important to guide bat foraging routes.

- 2) Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.
- 3) The development hereby permitted must be begun no later than the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.
- 4) Unless otherwise agreed by the Local Planning Authority, the Reserved Matters shall be in general accordance with the following illustrative drawings:
Site Layout and Block Plan Drawing 22-0051-002 Rev E
Street Scene/Long Section Drawing 22-0051-014 Rev B
Elevations & Floor Plans Vernacular Design Drawing 22-0051-015
- 5) Prior to commencement of the development hereby approved, a schedule of the types and colours of the materials (including photographs) to be used in the external finishes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in full accordance with the approved materials.
- 6) Prior to commencement of the development hereby approved, a Written Scheme of Investigation (WSI), to secure a programme of archaeological investigation, shall be submitted to and approved in writing by the Local Planning Authority.
- 7) Prior to commencement of the development hereby approved, the programme of archaeological investigation identified in the Written Scheme of Investigation (WSI) shall be completed.
- 8) Following completion of the archaeological investigation and within six (6) months from that completion, a post excavation assessment shall be submitted to the Local Planning Authority. The post excavation analysis shall be completed when a full site archive and report is deposited at the local museum and a publication report is submitted to the Local Planning Authority.
- 9) Prior to any works above slab level, the renewable energy/climate control and water efficiency measures associated with the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all measures shall be implemented as approved.
- 10) Prior to first occupation of the development hereby approved, an electric vehicle charging point shall be provided on site for the dwelling. Thereafter, the charging point shall be fully wired and connected, ready to use and shall be maintained as such in perpetuity.
- 11) If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant/developer shall notify immediately and in writing the Local Planning Authority and work must be halted on the part of the site affected by the unexpected contamination. Any land contamination identified shall be remediated to the satisfaction of the Local Planning Authority prior to occupation of the development hereby approved to ensure that the site is made suitable for its end use.

- 12) Ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey and Assessment (Essex Mammal Surveys, March 2022) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. The enhancement measures and/or works shall be carried out strictly in accordance with the approved details and shall be maintained as such in perpetuity.
- 13) The development hereby approved shall be constructed in accordance with the guidance in Approved Document S 2021 and shall be built in accordance with Optional Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.
- 14) No construction activity, demolition, removal of soil/waste or deliveries shall take place outside the hours of 0800hrs to 1800hrs Mondays to Fridays, 0800hrs to 1300hrs on Saturdays, and not at any time on Sundays and Bank or Statutory Holidays without prior written approval of the Local Planning Authority.