



Appeal Decision

Site visit made on 25 June 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2024

Appeal Ref: APP/C1570/W/23/3328115

Land North of Walson Way, Stansted CM24 8EU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Bertroy Homes Ltd against the decision of Uttlesford District Council.
 - The application Ref is UTT/23/0877/FUL.
 - The development proposed is the erection of 8 no. 3-bed semi-detached dwellings together with parking and amenity space.
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Decision

1. The appeal is dismissed.

Applications for costs

2. The appellant made an application for an award of costs against the Council. This is considered in a separate decision.

Preliminary Matters

3. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. References to paragraph numbers in this decision relate to the most recent version.

Main Issues

4. The main issues are:
 - a) whether the proposed development would provide satisfactory living conditions for the future occupants having regard to the size of outdoor private amenity space, and
 - b) the effect of the development on the character and appearance of the area.

Reasons

Living conditions

5. The proposed dwellings each feature private rear garden areas. These range in size from 56.4 square metres to 86.9 square metres with most being broadly around 60 square metres in area. These gardens are also very shallow with all but plots 1 and 2 having garden depths less than the depth of the parent dwelling. Policy GEN2 of the Uttlesford Local Plan 2005 (ULP) specifies that new development should provide an environment which meets the reasonable needs

of all potential users. The garden areas would be very small by comparison to the size of dwellings they would serve and of an insufficient size to cater to the needs of the occupants of 3 bedroom 5 person dwellings which are likely to be occupied by families with children.

6. The Essex Design Guide (EDG) nominates that garden areas for 3 bedroom dwellings should be a minimum of 100 square metres and the proposal therefore does not comply with this standard. The supporting text to ULP policy GEN2 states that the EDG forms part of the development plan although I am aware of the age of the ULP. Conversely both the appellants statement and Council's final comments indicate that this document is not an adopted part of the development plan. Nevertheless, it remains a material consideration which is applicable to development within the District. All the gardens fall well short of the sizes recommended by the EDG with many being significantly below this standard.
7. As such, I conclude that the development would not provide satisfactory living conditions for the future occupants due to the substandard garden size and the proposal thus conflicts with ULP policy GEN2 and the provisions of the Framework which encourages the creation of places that are safe, inclusive and accessible and which promote health and well-being for existing and future users.

Character and appearance

8. The site is set within a fairly recently built housing estate. I have noted that the site was intended to be some form of community use in the original estate plan, however this requirement appears to have fallen away and no evidence has been provided to me to indicate that this remains a necessity. The site is presently vacant, albeit overgrown due to many years of not having been used. The wider estate is formed of a mix of houses and flats. These are commonly built close to roads with gardens and parking areas set to the rear. This close-knit environment is interspersed with areas of open space which includes a small park to the rear of the site and school playing fields to one side.
9. The proposed development does not differ from this prevailing character in this sense. The four dwellings addressing Walson Road are close to it but no more so than neighbouring homes. Parking is provided in a courtyard to the rear which, although somewhat dominated by hardstanding areas, is not at odds with the style of housing layouts locally. The general density of the scheme would not be at substantial variance to that in the wider area. In any case, I have considered the scheme based upon its visual impact on the character of the area as opposed to a strict statistical analysis.
10. As concluded above, the small gardens would be insufficient to provide adequate outdoor amenity space for the occupants. However, consideration in relation to this matter's impact on the character of the area is a different nuance. In this regard, I find that the general space around the proposed dwellings is sufficient to ensure that they do not appear cramped. The additional greenspace to the front and rear of plot 1 and rear of plot 4, whilst modest, does assist with this.
11. I therefore conclude that the proposed development would have an acceptable impact on the character and appearance of the area. It would comply with ULP policies S1 and GEN2 which support development that would be compatible

with the scale, form, layout, appearance and materials of surrounding buildings. I further consider that it would accord with the provisions of the Framework in this regard.

Planning Balance and Conclusion

12. The Council cannot demonstrate a five-year land supply of deliverable housing sites and this matter is not in dispute. Consequently, the provisions of paragraph 11(d)ii of the Framework should be applied.
13. The Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. The proposal would provide unsatisfactory living conditions for the future occupants due to the size of the outdoor amenity areas. The Framework seeks to ensure that development creates spaces with a high standard of design, and I give significant weight to the conflict between the proposal and ULP policy GEN2 in this respect.
14. Set against the identified harm, the proposal would make an efficient use of land within an existing urban area and meet the Framework's objectives of boosting the supply of housing. However, the benefits associated with a relatively small number of new dwellings would be minimal. Nevertheless, I give the provision of these additional dwellings, in these circumstances, moderate weight.
15. However, overall, I conclude that the adverse impacts on the living conditions of the future occupants would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
16. The proposal therefore conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

Nick Bowden

INSPECTOR