



Appeal Decision

Site visit made on 4 July 2024

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th July 2024

Appeal Ref: APP/C1570/W/24/3337317

Land East of Mill House, Mill Road, Wimbish CB10 2XD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Kirk Hatherley against the decision of Uttlesford District Council.
- The application Ref is UTT/23/2627/FUL.
- The application sought planning permission for Construction of 2 no. dwellings, new vehicular access and associated parking and landscaping following the approved outline application UTT/19/2081/OP at Land East Of Mill House Mill Road Wimbish CB10 2XD without complying with a condition attached to planning permission Ref UTT/20/2301/FUL, dated 4 January 2021.
- The condition in dispute is No 1, added to permission Ref UTT/20/2301/FUL by Non-Material Amendment Ref UTT/23/2382/NMA, dated 10 October 2023, which states that: *APPROVAL The addition of a condition for drawing numbers.*
- The reason given for the condition is: *The proposed addition of a drawing number condition accords with the provisions of Section 96A of the Town and Country Planning Act 1990 (as amended) as the additional condition would not be materially different from the original planning permission granted with reference UTT/20/2301/FUL.*

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although the approved plans are listed on page 1 of the original planning permission for the development, Ref UTT/20/2301/FUL dated 4 January 2021, they were not incorporated into a condition requiring the development to be carried out in accordance with the plans. A plans condition was subsequently added to the original permission through Non-Material Amendment (NMA) Ref. UTT/23/2382/NMA, dated 10 October 2023. The NMA decision notice does not list the approved plans. However, the NMA is intended to be read alongside the original permission and it is common ground that the approved plans referenced on the NMA decision are those listed on the original decision notice. I have therefore proceeded to determine the appeal on this basis.
3. The planning permission for the development, inclusive of the NMA, includes two conditions numbered 1. This appeal relates to condition 1 on the NMA decision notice rather than condition 1 on the original decision notice. In the interests of clarity, I shall refer to the disputed condition as the 'plans condition' throughout this decision.

4. The description of the development refers to an outline application Ref UTT/19/2081/OP. However, the parties have confirmed that the planning permission that is the subject of this appeal is a separate, full planning permission. It is on this basis that I have considered the appeal.

Background and Main Issue

5. Planning permission was granted in January 2021 for the erection of 2 two-storey dwellings, connected by single-storey garages with a pitched roof. On my site visit, I observed that the construction of the development has commenced, but it has not yet been completed.
6. The appeal seeks permission to vary the approved plans listed in the plans condition. The revised plans seek to add an additional bedroom and ensuite to each property, by building first-floor living accommodation above the two garages. The proposed central section above the garages would have a flat roof. Other amendments would include the relocation of windows and some internal alterations.
7. The main issue is the effect of the amended proposal on the character and appearance of the area.

Reasons

8. The appeal site lies on the south side of Mill Road, at the edge of Tye Green village. There are a mix of building types and styles within the local area. However, the prevailing character near to the appeal site is of two-storey dwellings with pitched roofs. Some houses nearby are connected by single-storey garages with pitched roofs.
9. The proposed amended plans do not seek to alter the external appearance of the main body of the dwellings, which would continue to present with architectural features and materials that are appropriate to the rural context, in accordance with the Essex Design Guide 2018 Edition V.1 (EDG).
10. Due to the combined effect of its width and height, the proposed first-floor addition above the central garages would significantly alter the scale, bulk and mass of the overall development. Irrespective of whether the addition would rise above the ridge line of the permitted dwellings, the proposal would significantly increase the height of the central section beyond the eaves of the main body of the dwellings either side. Although the central block would be set back behind the front elevations, the amendment would be a disproportionate and unsympathetic addition to the permitted scheme.
11. Even though the proposed materials would complement the existing permitted development, the boxy shape and flat roof of the proposed addition would be at odds with the more traditional pitched roofs that are common in the local area. The proposal, as amended, would therefore have an incongruent appearance that would fail to integrate harmoniously with its surroundings. This would be contrary to the guidance set out in the EDG which, amongst other things, expects each building to be composed of a 'family' of forms, with roofs of similar pitch and without discordant flat-topped elements.
12. The proposed development would be set back from Mill Road behind a shared access and parking area. However, it would nonetheless be close to the street and would therefore be a prominent structure when observed from the road

and nearby dwellings. Due to its discordant appearance, the development would be unduly conspicuous in those views, causing it to be unacceptably harmful to the street scene in this part of Tye Green.

13. For the reasons given above, I conclude that the amended proposal would cause material harm to the character and appearance of the area. Therefore, it would be contrary to Policy GEN2 of the Uttlesford Local Plan Adopted January 2005 (LP) and the National Planning Policy Framework which, taken together and amongst other things, expect development to be of a high-quality design that is compatible with the scale, form, layout, and appearance of surrounding buildings. There would also be conflict with Policy S7 of the LP insofar as it expects the appearance of development outside of settlement boundaries to protect or enhance the particular character of the part of the countryside within which it is set.

Other Matters

14. The amended proposal would increase the quantity of living accommodation within the dwellings. However, even if there is a particular need for larger homes in the area, this benefit would not override the harm that would be caused to the character and appearance of the area through the design of the proposed development.
15. It is common ground that the principle of the development has been established, and that no harm would arise in respect of parking or the living conditions of neighbours. I have no reason to take a different view on these matters. The absence of harm weighs neither for nor against the proposal.

Conclusion

16. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above, the appeal should be dismissed.

E Catcheside

INSPECTOR