



Appeal Decision

Site visit made on 30 July 2024

by **S J Lee BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 August 2024

Appeal Ref: APP/C1570/W/24/3338829

Summer Lodge, Stanbrook Road, Thaxted CM6 2NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant technical details consent.
 - The appeal is made by Mr and Mrs N & J Das Gupta against the decision of Uttlesford District Council.
 - The application Ref is UTT/23/1957/TDC.
 - The development proposed is for 3 residential dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for technical details consent following the grant of Permission in Principle (PiP). The Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The PiP has established that the location, land use, and amount of development is suitable in principle. The technical details consent that is the subject of this appeal can consider the remaining detailed matters but cannot reopen what has been agreed at the PiP stage. I have determined the appeal on this basis.
3. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023. The main parties have had the opportunity to comment on the revised Framework in respect of the appeal, and I have taken it into account where relevant to my decision.
4. The appellants submitted revised plans with the appeal which remove the proposed entrance gates at each property. Plans have also been submitted which identify visibility splays. An appeal should not normally be used to evolve a scheme¹ and it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the local planning authority and by interested parties. It is however for the Inspector to determine whether, exceptionally, any revised plans that are submitted during the appeal process should be accepted.
5. In this case, I am content that the revised plans do not constitute a substantive or fundamental change to the proposal. They do not alter the boundary of the site, the number of dwellings proposed or their appearance. I am also satisfied that no interests would be prejudiced if I were to accept the plans. I have therefore considered the appeal based on the revised plans.

¹ Procedural Guide – Planning Appeals – England – paragraph 16.1

6. Finally, I have amended the description of development in the header above to remove superfluous information that does not form part of the act of development.

Main Issues

7. The main issues in this appeal are the effect of the development on (i) the character and appearance of the area, and (ii) highway safety, with particular regard to access.

Reasons

Character and appearance

8. The appeal relates to a roughly rectangular plot of overgrown land near to the junction between Stanbrook Road and the B1051. It forms something of an entrance point to a small hamlet, which also includes a children's nursery and stables. There are a number of small, dilapidated buildings within the plot, which is bounded by trees and hedgerows.
9. The existing dwellings along Stanbrook Road are of a mix of detached, semi-detached and terraced units. They are predominantly of a traditional appearance, with painted render external walls, brick chimneys and dual-pitched tile roofs. Some outbuildings are constructed from black weatherboarding, as are the stables opposite the site and the children's nursery further along the lane. The two listed buildings of Stanbrook Meads and Brookside, sit on the opposite side of the junction with the B1051. However, these do not have a strong visual relationship with the site, or the dwellings arrayed along the lane.
10. The hamlet therefore has a clear established residential character, which is emphasised by its relative separation and visual isolation from the passing B1051. This provides a strong and pleasant identity, which is not diminished by either the different types of dwelling or the presence of non-residential elements. Indeed, such elements add to the cohesive rural character that exists.
11. The proposal would introduce three dwellings that would be at odds with this prevailing character. Although they would be two storeys in height and have a similar roof profile, the design and appearance of the dwellings would be strikingly different to those of the existing settlement. This would be most evident in the use of materials. Ground floors of the dwellings would be brick, with vertical black weatherboarding on the first floor and slate roofs.
12. The other buildings in the area which utilise black timber or weatherboard are predominantly non-residential and have a largely agricultural appearance. This includes the children's nursery buildings, which are not visually well related to the site in any event. The proposed dwellings would not be designed to be reminiscent of agricultural buildings, having an obviously domestic appearance. The weatherboarding would also only be at first floor level and would be in a different orientation. Accordingly, the use of this material would neither complement the existing non-residential buildings or nearby dwellings.
13. The small extension referred to by the appellants, and some other domestic outbuildings, would also not justify the introduction of three sizable dwellings exhibiting a significant amount of weatherboarding at first floor level. In these

cases, the weatherboarding is a subservient or complementary element, rather than a significant part of the overall design and appearance of any dwelling. Other than in relation to the garages, the weatherboarding would not be a complementary feature of the proposed dwellings; rather it would be a prominent and dominant part of the design.

14. The listed building known as Brookside is also predominantly weatherboarded. Notwithstanding that this property is visually disconnected from the site, there would also be a significant difference in the external appearance. The colour and orientation of the weatherboarding would be different, as would the use of extensive areas of brickwork. Again, the listed building also exhibits a more traditional appearance that would be at odds with what is proposed.
15. The use of brick and slate and the mixing of materials on the external walls would also detract from any attempt to reflect or complement the character of nearby existing buildings of any use. This would be exacerbated by some of the detailing of the dwellings, in particular the size and spacing of the fenestration. Although the size, pattern and spacing of the windows would be unique to each proposed dwelling, they would generally not share the largely uniform spacing and size which is exhibited on each of the existing houses. These characteristics help provide the existing dwellings with their traditional 'cottage' appearance, which would not be reflected in the proposal.
16. The existing linear street pattern would be maintained, but the dwellings would not have the same relationship to the road as existing buildings. They would generally be set further back behind large forecourts and, unlike the existing built form, would not follow the curvature of the lane. While I have no particular concern about the individual access points or maintaining roadside landscaping, the layout would nevertheless result in a more regimented and less organic appearance than elsewhere in the street scene.
17. There is no particular homogeneity in the gaps between existing buildings or their respective plot ratios. Two of the proposed dwellings would take up much of the widths of their plots. However, there would still be some space between the buildings and the single storey garages would help break up the overall mass and bulk of the built form. There would also be a reasonable amount of space to the front and rear of plots 1 and 2 and to the side of plot 3. Therefore, the dwellings would not appear unduly cramped. While the ridge heights would be higher than nearby dwellings, this would not be by such an extent that it would be overtly obtrusive or harmful in and of itself.
18. Nevertheless, these factors do not overcome or outweigh the other deficiencies in the appearance or layout of the proposal. In combination, the incongruous nature of the materials, detailing and layout would introduce a highly discordant form of development, located in a prominent location at the entrance to the hamlet.
19. In coming to this conclusion, I am mindful that good design does not necessarily mean resorting to mimicry or pastiche. I also acknowledge that the proposed style of dwelling and palette of materials may well be prevalent in other parts of the district and decision makers will have found them to be acceptable in other locations. However, it does not follow that what is acceptable in one place is acceptable elsewhere. It is important that new development has regard to the existing context and character of an area. This

would not be the case here. Rather, the development would be jarring and would serve to erode the long-established character of the settlement.

20. Having regard to the particular characteristics of this location or the proposal, the examples of similar development elsewhere do not therefore alter my conclusion.
21. The development would therefore cause unacceptable harm to the character and appearance of the area. This would conflict with Uttlesford Local Plan (ULP) (2005) policies GEN2 and S7 and Thaxted Neighbourhood Plan (2019) policies TXLSC1, TXLSC2 and TXHD1. Collectively these seek to ensure development is compatible with the scale, form, layout, appearance and materials of surrounding buildings, protects or enhances the countryside character and contribute to local distinctiveness. It would also conflict with the Framework, which seeks, amongst other things, to ensure development is sympathetic to local character and history.

Highway safety

22. There is currently a large amount of vegetation along the site boundary and the plans indicate that some of this would be retained. While plans identifying the extent of the visibility splays have been provided, they do not include the location of any retained trees or the extent to which they would impede visibility. It is possible, therefore, that visibility in either direction from the dwellings could be constrained to an extent. However, while the road is narrow, there are already a number of dwellings with off-street parking along its length. Regular users of the road would therefore be aware of the potential for vehicles to be entering or exiting the driveways and forecourts.
23. Although the children's nursery may generate a number of trips at certain times of the day, the lane is still likely to be lightly trafficked in the most part. The nature of the road would also mean that passing traffic is naturally going to be slow moving.
24. There would be sufficient space within each plot to enter and exit the sites in a forward gear, thus removing any potential for dangerous manoeuvring in the carriageway. The revised plans remove the proposed entrance gates and thus there would be no issues relating to vehicles waiting in the highway while they were being opened. This should help to minimise any risk.
25. In conclusion, while it is possible that visibility could be constrained to a degree, the particular characteristics of the road and locality are such that it is unlikely to result in unacceptable harm to highway safety. There would be no conflict with ULP Policy GEN1 which seeks to ensure development does not compromise road safety. It would also be consistent with the Framework's requirements insofar as it would not result in unacceptable safety risks.

Other Matters

26. The Council cannot demonstrate a 5-year supply of deliverable housing sites as required by the Framework. The development would add three dwellings to the housing land supply which would provide associated social and economic benefits, including through temporary construction jobs and support for local services and businesses. Contributing to meeting the Council's housing needs is clearly a factor of some importance.

27. However, while acknowledging the Council's housing land supply position, there is nothing to suggest such benefits could not be derived from a less harmful proposal. Moreover, delivering high quality design remains a clear objective of national policy. The failure to meet this requirement therefore weighs substantially against the development.
28. The adverse impacts of the development would therefore significantly and demonstrably outweigh the benefits of three dwellings when considered against the Framework as a whole. Therefore, the presumption in favour of sustainable development, as set out in paragraph 11d of the Framework, does not apply in this case.
29. The Council's officer report included reference to concerns that the gardens for plots 1 and 2 would not meet the requirements for a 4-bed dwelling. However, this did not form part of their reasons for refusal, nor was it referred to in their statement of case. It is not clear therefore whether this constitutes a concern of the Council or not. However, I have seen nothing which suggests the outdoor amenity space would be quantitatively or qualitatively deficient and thus there would be no harm in this respect. A lack of harm is however neutral in the planning balance.
30. There could be some limited opportunities to see the development, Stanbrook Meads and Brookside together, particularly when travelling along Stanbrook Road toward the junction with the B1051. The significance of these listed buildings is ostensibly derived from their age and as examples of local traditional architecture. However, there would be still a good degree of separation and the development would not affect how either building would be appreciated to any discernible degree, particularly when viewed directly from the roadside. There is also nothing to suggest that the site has any historic or functional links with these buildings. Therefore, the development would not have any material effect on the significance of either listed building. This does not alter my conclusions on the effect on character and appearance more generally.
31. The appellants' concerns about how the Council dealt with the application are outside the scope of the appeal and have had no bearing on my decision.

Conclusion

32. Notwithstanding my conclusions on highway safety, the development would still conflict with the development plan. There are no material considerations that would outweigh this conflict. As such, the appeal should be dismissed.

S J Lee

INSPECTOR