



Appeal Decision

Site visit made on 31 July 2024

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2024

Appeal Ref: APP/C1570/W/23/3332481

Meadowside Cottages, Woodside Green, Great Hallingbury, Essex CM22 7UH

- 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 Mr Ward of Manor Properties Ltd against the decision of Uttlesford District Council.
 - The application Ref is UTT/23/1455/FUL.
 - The development proposed is erection of two detached dwellings, with new vehicular access to the public highway for the existing dwellings, and associated private garden, car parking, and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. The policies that are material to this decision are not subject to any fundamental changes, and I am satisfied that this has not prejudiced any party. This decision has regard to the Framework published in December 2023.

Main Issues

3. The main issues are:
 - Whether the site is suitably located for new housing, having regard to the Council's spatial strategy and the effect on the character of the countryside;
 - The effect of the proposal on the living conditions of the occupiers of the neighbouring properties and future occupiers of the development, with particular regard to privacy, outlook and natural lighting, and;
 - Effects on highway safety.

Reasons

Spatial Strategy and effects on the Countryside

4. The Uttlesford Local Plan 2005 (the ULP) sets out where new development will take place. This lists areas which will be the focus of development including urban areas and the A120 corridor, and lists other areas including listed Key

Rural Settlements and Other Villages which have a lesser potential for development.

5. The Council report that the appeal site is in the open countryside. While the site is among a cluster of other homes, there is not substantive evidence to demonstrate that this constitutes anything other than countryside for the purposes of assessment against the Local Plan. As such, Policy S7 of the ULP applies to the proposal.
6. Policy S7 of the ULP relates to development in the countryside, being those areas beyond the Green Belt that are not within a settlement or other site boundaries. It states, among other things, that planning permission will only be given for development that needs to take place there, or is appropriate to a rural area, and including infilling. It goes on to add that there will be strict control on new building and development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside which it is set, or there are special reasons why the development in the form proposed needs to be there.
7. The proposal could reasonably be considered as infill development, given that the proposed houses would closely adjoin other residential properties to both sides. On this basis it could be considered appropriate development in the countryside for the purposes of Policy S7. I do not therefore find it necessary to establish the suitability of the site for housing in terms of its accessibility to services and facilities. Policy S7 nonetheless requires that the effect on the character of the countryside be taken into account.
8. The wider area surrounding the appeal site is distinctly rural, but the site sits among a short linear development on the southern side of Howe Green Road. This group of houses vary in their scale, design and appearance, but share similar front building lines and sit on generous verdant plots which adjoin open countryside to the rear. The plot sizes and width of spaces between the houses vary, but they are predominantly generous and allow views from the road to the trees and open countryside to the south. In some cases the gaps have been partially infilled with low level garages, although these do not interrupt the rural character due to their low level scale and set back position on the plots. Overall, the spaces and gaps between the buildings, together with the irregular plot sizes, contribute positively to the open and rural character of this part of the countryside.
9. No.1 and 2 Meadowside Cottages are a semi-detached pair which benefit from substantial side gardens which separate them from the neighbouring properties. These side gardens give wider gaps than exist between other properties in this group, and allow largely uninterrupted views across the site to the open countryside beyond.
10. While the proposal would sit centrally within the linear development, it would create a more regular and repetitive form of development across the site due to the substantially reduced spacing between the properties and repeated building forms. This would be heavily at odds with the attributes which contribute positively to the rural and open local character. It is not considered that this harm could reasonably be mitigated by soft landscaping to the front boundary which would further dilute the open character.

11. For this reason the proposal would not protect or enhance the particular character of the part of the countryside within which it is set, as required by Policy S7. Therefore, even if the development were of a type supported by the first part of Policy S7, given these findings it would not comply with Policy S7 as a whole.
12. In conclusion on this main issue, the proposal would not be acceptable having regard to the Council's Spatial Strategy and effects on the character of the countryside. It would conflict with Policy S7 of the ULP set out above, as well as the Framework insofar as it relates to conservation and enhancement of the natural environment, including the need to recognise the intrinsic character and beauty of the countryside.
13. The Council accept that Policy S7 is only partially compliant with the Framework as it takes a more protective approach to development in the countryside. Nevertheless, it is consistent with the Framework where it relates to the natural environment. I therefore ascribe moderate weight to the proposal's conflict with Policy S7.

Living Conditions

14. The neighbouring properties either side of the appeal site include windows in their side elevations including at the first floor level. Nos.1 and 2 Meadowside Cottages include several sizable windows in their side elevations at the ground floor level which currently have outlook over the open side gardens. Based on the representations I understand they serve kitchens and utility areas and that those windows contribute to the natural lighting and outlook enjoyed by occupants of those properties.
15. The proposal would introduce two storey flank walls as well as new boundary treatments directly in front of those ground floor windows. As a result of their proximity and height, the proposed developments would cause significant harm to the outlook from those windows. Neither is there substantive evidence to suggest that levels of natural lighting to those windows would not be harmfully reduced. In the absence of evidence to the contrary, the proposal would therefore have harmful effects on the outlook and natural lighting of 1 and 2 Meadowside Cottages. Although there is less certainty surrounding the uses of the windows in the side of Sendhurst, in the absence of evidence on this matter neither can I be satisfied that the effects on the living conditions of that property would be acceptable.
16. To the east, the side windows in the new semi-detached property are set back further from the boundary and are separated by a line of tall and dense trees. As such the proposal would not cause harmful effects on the outlook or natural lighting experienced by occupants of that property.
17. Intervisibility between the proposed new houses and those neighbouring properties at ground floor level could be restricted by appropriate boundary treatments. At the first floor level, the proposed houses would include only small bathroom windows in the side elevations which could reasonably be conditioned to be obscure glazed if the proposal were otherwise acceptable. Outlook from the first floor level of the new houses would otherwise be experienced only from windows in the front and rear elevations. While views may be possible from those windows towards the rear gardens of the neighbouring properties, this would be only at oblique angles and there is

already a degree of mutual overlooking between the gardens of this group of properties. For these reasons the proposal would be acceptable in terms of its impacts on privacy.

18. The living conditions of occupants of the proposed new houses would also be acceptable, given the abundance of windows proposed to the front and rear and given the findings above regarding privacy and intervisibility.
19. In conclusion on this main issue, the proposal would cause harm to the living conditions of the occupants of nos. 1 and 2 Meadowside Cottages and Sendhurst. It would conflict with Policy GEN2 of the ULP insofar as it requires development not to have a materially adverse effect on the reasonable occupation and enjoyment of a residential property, and the Framework insofar as it seeks healthy living conditions. The proposal would not conflict with ULP Policy GEN4, which relates to other environmental harms.

Highway Safety

20. The appellant has submitted a plan with the appeal which demonstrates how 65m long visibility splays could be achieved from the proposed new accesses. While Howe Green Road has a 60mph speed limit, the Highways Authority accept that a splay based on a reduced speed is appropriate here. However, the appellant has failed to demonstrate that the appropriate visibility splay could be achieved. Notably this is because the 65m distance falls short of the distance required and the drawing demonstrates the splay to the incorrect part of the highway. In combination these factors leave me unable to conclude that visibility from the access would be appropriate. Inadequate visibility could cause unsafe highway conditions when vehicles are exiting the site. While there are existing accesses to either side, this does not provide adequate assurances that the proposed new accesses would be safe.
21. In conclusion on this main issue, and in the absence of evidence to the contrary, the proposal would cause harm to highway safety as a result of inadequate visibility from the new accesses. The proposal would be contrary to Policy GEN1 of the ULP, policies DM1, DM4 and DM7 of the Essex County Council Development Management Policies 2011 and the objectives of the Framework which relate to highway safety.

Other Matters

22. The Grade II listed Park Gate House exists further to the west of the appeal site. The setting of this listed building includes the residential properties which line the southern side of Howe Green Road. Given the proposal would sit among existing houses and given its distance from the listed building and presence of intervening structures, the proposal would preserve its setting.
23. The Council accept it cannot demonstrate a five year land supply for housing and state it can demonstrate 4.5 years. As such, the provisions of paragraph 11d) apply and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
24. The proposal would cause harm to the character and appearance of the countryside, and would consequently be an inappropriate location for housing according to the Council's Spatial Strategy. In addition, the proposal would cause harm to the living conditions of occupants of the neighbouring properties

and to highway safety. These harms would be significant and long lasting, and cause conflict with the Framework. Accordingly, they are ascribed substantial weight.

25. In terms of benefits, the proposal would provide two new houses which would contribute to the Council's housing stock. This is particularly relevant given the identified shortfall in housing land supply. These would be in the curtilage of existing developed land and the Framework acknowledges that small sized sites can make an important contribution to meeting the housing requirement of an area and can often be built out relatively quickly. In addition, the proposal would provide some economic benefits during the construction process and from on going expenditure into the local economy by future occupants. Accordingly, the proposal would contribute to this rural community and help to support services in nearby villages, which is supported by the Framework. However, the extent of these benefits is limited by the scale of development proposed and together they attract moderate weight.
26. Where the proposal has been found to be policy compliant in other respects, for example in relation to heritage assets, these are neutral matters and do not weigh in favour of the proposal.
27. In turn, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits and the proposal does not benefit from the presumption in favour of sustainable development set out in the Framework.
28. I have had regard to the other decisions for new housing evidenced by the appellant. However, these appear to be some distance from the appeal site and I cannot be satisfied that their circumstances and effects were similar to the appeal scheme before me. In the case of the neighbouring development of Coppins¹, the Officer's Report finds that proposal to form an infill development which respects the surrounding pattern of development and I observed that greater gaps and mature landscaping separate that development from its neighbours, which would not be the case for the appeal scheme. Those decisions do not therefore provide a reason to alter the above judgement.

Conclusion

29. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

C Shearing

INSPECTOR

¹ UTT/21/2150/FUL