



Appeal Decision

Site visit made on 15 October 2024

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 November 2024

Appeal Ref: APP/C1570/D/24/3344834

Jareth, Cutlers Green, Cutlers Green Lane, Thaxted, Essex CM6 2QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Grant against the decision of Uttlesford District Council.
 - The application Ref is UTT/24/0417/HHF.
 - The development proposed is described as the erection of a garage, garage extension, and concrete slab.
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Decision

1. The appeal is allowed and planning permission granted for the erection of a garage, garage extension, and concrete slab at Jareth, Cutlers Green, Cutlers Green Lane, Thaxted, Essex CM6 2QD in accordance with the terms of the application, Ref: UTT/24/0417/HHF, subject to the following conditions:
 - 1) The development hereby permitted shall be completed in accordance with the following approved plans referenced: 2024/354/01 – Location Plan and Block Plan; 2024/354/02 – Pre-existing Plans and Elevations; 2024/354/03 – Existing Plans and Elevations; 2024/354/04 – Proposed Plans and Elevations; and, 2024/354/05 – Proposed Roof Plan and Section.
 - 2) The materials to be used for the external surfaces of the development hereby approved shall be as detailed on the approved plans.

Procedural Matters

2. On my site visit I observed that a garage had been erected. The garage had been extended to the rear albeit the development detailed on the proposed plans had not been completed. The development is therefore part-retrospective.
3. The development, as originally described on the application form, sought approval for the existing garage, in addition to an extension to it, and the retention of part of an existing concrete slab. However, the description of development on the Decision Notice and Appeal Form is different and removes reference to the existing garage. I have not been provided with any evidence which confirms that a change to the description of development was agreed between the main parties.
4. While it is understood that the existing garage may have been erected for a number of years, there is nothing before me to definitively demonstrate that it is lawful or immune from enforcement action. Indeed, the Council in their Officers Report assess the effect of the garage as being "*unacceptable*".

5. Therefore, I have considered the appeal on the basis of the development that was originally applied for by the appellant, which includes the existing garage. Both parties have made reference to the garage in their cases and I am satisfied that neither party has been prejudiced by my approach.
6. As such, in the banner above, and in my formal decision the description of development has been informed by that which is contained within the application form. Albeit I have altered the description so that it is more succinct by removing wording which is superfluous and wording which is not an act of development.

Main Issue

7. The main issue is the effect of the development on the character and appearance of the area.

Reasons

8. The appeal site is a large two-storey detached dwelling which is located within a countryside location. The dwelling is sited within ribbon development along one side of Cutlers Green Lane. The row of properties are characterised by a mix of detached and semi-detached dwellings of varying size, form and design. Typically, the dwellings have detached outbuildings which are subservient to the dwellings and these are located either to their side or to the front of the dwelling. The buildings within the row are closely spaced and the extent of existing development provides a distinctly built character to this part of the Cutlers Green Lane.
9. The garage is located to the side of the dwelling positioned adjacent to the side boundary. Beyond the side boundary is a detached garage located to the side of Treetops, which is a two-storey semi-detached dwelling. The garage infills much of the gap between the property and the site boundary, although it is offset from both. The width of the garage is modest and significantly narrower than that of the host dwelling. Furthermore, the eaves and ridge heights are set well below those of the host dwelling and those of the adjacent two-storey dwellings. While the garage appears to be larger than other garages in the immediate area, its scale is appropriately subservient to the host dwelling, which itself is larger in scale to other dwellings in the immediate area. Its scale, siting and spacing from the site boundary means that the garage continues the close pattern and form of development along this part of Cutlers Green Lane, and does not appear prominent in views or out of context. As such, the garage has been provided without resulting in an overdevelopment of the plot, nor does it erode the character and appearance of the countryside.
10. A principal concern of the Council relates to the effect of the addition of an extension to the rear of the garage. The extension to the rear would be of the same width as existing, and would have eaves and ridge heights that also match the existing. The extension would be relatively modest in projection and overall footprint. Therefore, I find that the extension would not add any considerable mass to the garage or result in a structure which would appear visually at odds with its surroundings. Its siting would not project significantly beyond the rear building line of the adjacent garage (to Treetops) and the garage would remain well related in scale and siting to existing built form. Furthermore, the rear siting means that it would not appear prominent from

the street scene. As such, the extension to the garage would not have an unacceptable urbanising effect on the character of the countryside.

11. The siting of the garage and extension close to existing buildings would mean that any views of the garage across the countryside from the rear would be in the context of existing built development, rather than appearing as a visually isolated building. Therefore, from this aspect the garage and extension would harmonise with the surrounding built form and would not be harmful to the landscape setting.
12. I note the Council's concerns that the garage is larger than the outbuilding originally approved at the site. Furthermore, I note the concern raised with regard to the urbanising effect of a previously spacious plot. While these concerns are acknowledged, I have found that the scale of the garage to be appropriate to the existing built character to this part of Cutlers Green Lane and it would not be of such scale or form that would result in any harmful effect on the street scene or wider countryside.
13. For the above reasons, the development would not have a harmful effect on the character and appearance of the area. The development therefore complies with Policies S7 and GEN2 of the Uttlesford Local Plan 2005. Together, amongst other things, these require that development is compatible with surrounding buildings and protects the character of the countryside. The development also complies with Policy LSC4 of the Thaxted Neighbourhood Plan 2017-2033, which allows for development between existing dwellings in Cutler's Green.

Other Matters

14. I note the objection from Thaxted Parish Council with particular regard to overdevelopment and its retrospective nature. I have considered the effect of the development on the character and appearance of the area in the main issue, and I am satisfied that the proposals do not represent an overdevelopment of the site for the reasons outlined. While I note the concern with regard to the retrospective nature of the development, this is not a matter which is material to my decision. I have considered the appeal on its merits, against the policies of the development plan, as I am required to do.

Conditions

15. As the development has commenced it is not necessary to attach the standard time limit condition. An approved plan condition is necessary to define the terms of the permission. A materials condition is also necessary in the interests of the character and appearance of the area.

Conclusion

16. For the above reasons the appeal is allowed.

D Cleary

INSPECTOR