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## Appeal Decision

Site visit made on 21 February 2025

**By Terrence Kemmann-Lane JP DipTP FRTPI MCMI**

an Inspector appointed by the Secretary of State

**Decision date: 4<sup>th</sup> March 2025**

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**Appeal Ref: APP/C1570/W/24/3354403**

**Land adjacent 24/26 Stanley Road, and 11 The Elms, Four Acres, Great Chesterford, CB10 1QD**

- 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 Stephen and Andrew Dye against the decision of Uttlesford District Council.
  - The application Ref is UTT/24/0756/FUL.
  - The development proposed is a single storey dwelling, vehicular and pedestrian access, bin and cycle store and associated works.
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### Decision

1. The appeal is allowed and planning permission is granted for a single storey dwelling, vehicular and pedestrian access, bin and cycle store and associated works on land adjacent 24/26 Stanley Road, and 11 The Elms, Four Acres, Great Chesterford, CB10 1QD in accordance with the terms of the application, Ref UTT/24/0756/FUL, subject to the conditions set out in the schedule attached at the end of this decision

### Main Issues

2. The main issues in this case are: i) the effect of the proposed development on the character and appearance of the host dwelling; and ii) its effect on the adjoining private garden areas and the 'host' property.

### Reasons

3. It is clear that the appeal site was once part of the rear garden of the bungalow at No.11 'The Elms' (No.11), but has long since been separated and is no longer in the same ownership. The site is situated in an area of 1960s bungalows of different styles with reasonably sized rear gardens. The site has a frontage to Four Acres which is a cul-de-sac, part of which runs from the Elms along the flank boundary of No.11.
4. It will be seen from this description that the basis for the first refusal reason is not well founded. The officer's report refers to the application site as comprising the property at No.11, but this is not accurate. The red line does not encompass any part of that property, and there is no blue line indicating an ownership interest in it. Thus there is no host property, and very little likelihood of the site being re-joined with No.11. The reduced size of the private garden area of that property has long existed.

5. It is of course true that No.11 has less curtilage than when built, and that the appeal site is smaller than the sites of the bungalows of the original development. However, this end of Four Acres, where the site is situated, immediately adjoins a modern development on a short spur off of Stanley Road. This development is at a considerably higher density compared to the 1960s bungalows, with plot sizes that are similar to that of the appeal site. The appeal site, being at the turning head of Four Acres, is immediately opposite No.28 Stanley Road, and therefore there is some relationship between it and the recent development in terms of plot size. This is made clear by the comparison with a selection of plot sizes of adjacent 2 bedroom properties in Stanley Road as set out on page 10 of the appellants' Design Statement.
6. The appeal proposal is for a 2 bedroom bungalow with hipped roofs. The hipped roofs would mean that the bungalow would not be unduly overbearing or oppressive when viewed from the nearby bungalows in The Elms. Furthermore, I consider that the private garden area is adequate for a 2 bedroom dwelling, and would provide the opportunity for residents to achieve a good quality open area with planting and sitting out space. I therefore do not agree that the appeal development would result in a cramped appearance, indicative of overdevelopment, nor would it fail to reflect the existing pattern of development in the local area. It would therefore not represent an inappropriate form of infill development at this location.
7. The second reason for refusal is also ill-founded in that it again refers to a situation that changed some years ago when the appeal site was sold away from No.11. For the reasons I have already given, this reason does not justify the refusal of permission.
8. I should briefly mention the fact that the council cannot demonstrate a full 5 year housing land supply, but in view of the conclusion that I have reached that the proposal is acceptable on its own merits, I consider that there is no need to pursue this matter further. For the reasons that I have given, the appeal will be allowed.

### **Conditions**

9. The statutory condition that provides a time limit on the start of development must be imposed. In addition, the council has suggested a number of conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the text.
10. I consider that the conditions should be imposed for the following reasons: condition 2 is required for certainty and avoidance of doubt as to the development permitted; condition 3 is to ensure that the external appearance of the development is finished in a visually satisfactory manner; condition 4 is in the interests of highway safety and the control of environmental impacts on existing residential properties; condition 5 is to protect the amenities of adjoining residents; condition 6 is to ensure the health of future occupiers by controlling any contamination on site; condition 7 is to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development, and to provide mitigation of any environment harm which may be caused to the local water environment; condition 8 is to avoid displacement of loose material onto the highway in the interests of highway safety;

condition 9 is to enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety; condition 10 is ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety; condition 11 is to require landscaping of the site in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development permitted; conditions 12 and 14 are to conserve and enhance protected and priority species and habitats and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), s40 of the Natural Environment and Rural Communities (NERC) Act 2006 (priority habitats & species) as updated by the Environment Act 2021, s17 of the Crime and Disorder Act 1998; and condition 14 is to meet the Optional Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition in the interests of meeting the needs of those with disabilities.

11. Conditions 4, 7 and 12 are pre-commencement conditions, because clearly the matters that they deal with need to be agreed before any construction can start, and I consider that it is necessary in this case because of the need to protect highway safety and the local environment from the beginning of any construction (condition 4), because flooding prevention must be integral with the development from the start (condition 7), and because the biodiversity mitigation measures must be in place before there is any disturbance due to the development (condition 12).
12. In accordance with Section 100ZA(5) of the Town and Country Planning Act 1990, if the Inspector is minded to grant planning permission subject to pre-commencement condition(s) he/she may only do so with the written agreement of the appellant to the terms of the condition(s). In this case the appellant's agent has clearly stated on the appellant's behalf that the conditions are acceptable.

*Terrence Kemmann-Lane*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following drawings and documents: Location Plan, 992/01 Block Plan, 992/02 Combined, 992/03 Elevations (proposed), 992/04 Elevations (proposed), 992/05 Block Plan, 992/06 Combined, 992/07 Block Plan, 992/08 Other, Design and Access Statement including Transport, Tree Survey, and Technical Specification for Solar Panels.
- 3) The exterior of the development hereby approved shall be constructed in the materials specified on the submitted application form/plans, or in materials which have been approved in writing by the Local Planning Authority.
- 4) Prior to the commencement of the development hereby approved, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
  - a) The construction programme and phasing
  - b) Hours of operation, delivery and storage of plant and materials used in constructing the development
  - c) Details of any highway works necessary to enable construction to take place
  - d) the parking of vehicles of site operatives and visitors,
  - e) Details of hoarding
  - f) Management of traffic to reduce congestion
  - g) Control of dust and dirt on the public highway
  - h) Details of consultation and complaint management with local businesses and neighbours
  - i) Waste management proposals
  - j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light, and odour.
  - k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.
  - l) wheel and underbody washing facilities.
  - M) routing strategy for construction vehiclesAll works shall be carried out in accordance with the approved CEMP thereafter.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
- 5) No construction works shall be carried out on the site, nor machinery operated, nor materials be delivered to the site at any time on Sundays or Public Holidays, or before 8:00am or after 6:00pm on Monday to Friday or before 9:00am or after 1:00pm on Saturdays.

- 6) In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out by a competent person, in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.
- 7) Prior to the commencement of the development hereby approved a detailed surface water drainage strategy scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall have been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not limited to:
  - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
  - A 10% allowance should be provided in storage calculation for urban creep.
  - Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
  - Final modelling and calculation for all area of the drainage system
  - The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
  - Detailed engineering drawings of each component of the drainage scheme.
  - A final drainage plan which details exceedance and conveyance route, FFL and ground levels, and location and sizing of any drainage features.
  - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.The scheme shall subsequently be implemented prior to occupation.
- 8) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 9) Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 10) The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans has been provided. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking area shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
- 11) Prior to the commencement of the development hereby approved other than footings and foundations, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved in the first planting and

seeding seasons following the occupation of the dwelling. If within a period of 5 years from the date of the planting or establishment of any tree, shrub or plant, that tree, shrub or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree, shrub or plant of the same species and size as that originally planted shall be planted at the same place.

- 12) Prior to commencement of the development hereby approved, a Biodiversity Mitigation Method Statement (BMMS) for protected any priority species, including nesting birds, badger, hedgehog and amphibians, shall be submitted to and approved in writing by the Local Planning Authority. The BMMS shall contain:
- a) purpose and objectives for the proposed works;
  - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
  - c) extent and location of proposed works shown on appropriate scale maps and plans;
  - d) timetable for implementation;
  - e) persons responsible for implementing the works;
  - f) disposal of any wastes arising from works.
- Thereafter, the measures and/or works shall be carried out strictly in accordance with the approved details and timetable in the BMMS and shall be maintained as such at all times.
- 13) Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and priority species shall be submitted to and approved in writing by the local planning authority. The Biodiversity Enhancement Strategy shall include:
- a) purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs or product descriptions to achieve stated objectives;
  - c) locations of the enhancement measures by appropriate drawings;
  - d) persons responsible for implementing the enhancement measures;
  - e) details of initial aftercare and long-term maintenance (where relevant).
- Thereafter, the ecological works shall be implemented in accordance with the approved details prior to occupation of the development hereby approved.
- 14) The development hereby permitted shall be provided in accordance with the guidance in Approved Document S 2021 and shall be built in accordance with Optional Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

End of Schedule