



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: 4th March 2025

Appeal Ref: APP/C1570/D/24/3354769

Southcote, Dunmow Road, Takeley, CM22 6QR

- 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 Tommy Haines against the decision of Uttlesford District Council.
 - The application Ref is UTT/24/1274/HHF.
 - The development proposed is demolition of existing garage, and erection of double garage with annex.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are: i) the effect of the proposed development on the existing house in terms of subservience; ii) the effect of the proposed development on the living conditions of the neighbours at Ramor and Glenmore; and iii) whether there is sufficient information in respect biodiversity and to enable the discharge of duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and the Wildlife & Countryside Act 1981 (as amended).

Reasons

3. The appeal site consists of a semi-detached house with a two-storey side extension. To the rear, adjacent to Ramor, is a detached garage, access to which is complicated by the side extension. This garage is proposed to be demolished with access to the proposed double garage/annex coming through in its place. The front of the proposed building would be some 20m back from the rear elevation of the dwelling. It would be no more than glimpsed from the public highway. There would thus be no impact in terms of subservience to the host dwelling from the public domain.
4. The proposal has a substantial footprint of 56m² compared with the footprint of the existing house and its extension of 72.5m². The council considers that the size of footprint proposed means that it is not subordinate to the house, but footprint alone, it seems to me, is of no great relevance since permitted development rights could allow for a considerably bigger footprint, and the house is on a reasonable generous plot.
5. The height of the proposal, to the ridge of the gabled roof, would be 5.5m, considerably higher than allowed by permitted development constraints, and more

importantly, giving it the mass of a 1½ storey bungalow. Above the garage, it would contain an open plan studio with double bed at first floor, with sufficient facilities for independent living by 2 people. The area of the access drive to the front of the garages also has to be considered, which is not indicated on the application drawings. This must allow, say a length of 6m, for cars to be lined up to enter the garages, and a curved side alignment to widen out from a single file access alongside the existing house. Taken together, the 1½ storey building and the substantial drive lead me to conclude that the proposed development would not be subordinate to the existing dwelling.

6. This scale of development would also impact on the adjoining neighbours, particularly so in the case of Ramor, although I recognise that there could be a partial benefit in terms of allowing more light to the amenity space at its rear. The fact that there is no objection raised by this neighbour does not mean that it would not have an impact on them or subsequent occupiers. Furthermore, the large window in the first floor annex, facing the rear of the properties, would be objectionable on the basis of loss of privacy to the private garden areas. In this connection, there is no indication of the extent of loss of tree screening on the curtilage boundary, although it would appear that it would inevitably be substantial.
7. As far as this last matter of trees is concerned, and the third issue in the case, I accept that had the biodiversity requirement been more fully met, it probably would not have raised any substantial issue. However, more detail in the application would have aided an appraisal of the proposal. Nevertheless, I do not regard the biodiversity issue as warranting a refusal of permission, and conditions could have been imposed had the appeal been allowed.

Overall conclusion

8. For the reasons that I have given above, the proposed development would not be subordinate to the existing dwelling and would dominate the garden area to the detriment of the character of the host dwelling and the outlook of neighbours. It would also result in overlooking of the private amenity space of the neighbouring properties. I have taken account of all other matters raised, but for these reasons the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR