

Appeal Decision

Site visit made on 15 August 2022

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th September 2022

Appeal Ref: APP/C1570/W/21/3289808

Charlottes Meadow, Whiteditch Lane, Newport, Saffron Walden, Essex

- 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 M Smith against the decision of Uttlesford District Council.
 - The application Ref UTT/21/0264/FUL, dated 11 January 2021, was refused by notice dated 12 July 2021.
 - The development proposed is a detached private dwelling and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the character and appearance of the area; and the effect on highway safety.

Reasons

3. The proposal would result in the addition of a large, detached dwelling and its associated parking provision, at the end of Whiteditch Lane. It would be set in front of two recently built large houses and would be accessed from a shared realigned driveway. Although Whiteditch Lane terminates at the driveway, a footpath continues just outside the northern boundary of the site.

Character and appearance

4. Whiteditch Lane has a very rural character as it extends northwards towards the appeal site and the open countryside beyond. This character has been eroded to the south due to the amount of new development, but the northern section includes houses set in large plots that are well vegetated, giving the lane its very rural feel. It retains its rural character towards the north with vegetation rather than houses often being the more dominant feature. Despite some modern additions, the vegetation and building density ensures that there is a transition from relatively suburban to very rural as it progresses northwards.
 5. The two new houses are substantial and include a large amount of hard standing and boundary walls without, as yet, new landscaping to soften their appearance. I have not been provided with any information as to the landscape
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- scheme that has been approved to accompany these houses. Whilst they represent relatively dominant new development, there is clearly significant potential to soften their appearance and their set-back from the road ensures that they are of reduced prominence. Views of them from the footpath are better screened with only views through the gaps in the vegetation.
6. The proposed house would be built relatively close to the lane and given the revised access drive proposed, the site would remain exposed to view. The plans provide very limited opportunity for landscaping towards the front of the site which would be dominated by the expanse of driveway, the three parking spaces and the new house. Given its substantial size and position, it would be extremely prominent. It would extend close to the side boundary and also to the driveway. Although some limited planting is shown, this is unlikely to significantly reduce the prominence of the house or the surfaced areas.
 7. The perception of the new house when passing the driveway would be entirely at odds with the character of the lane in the vicinity and would appear as predominantly urban and overly dominant new development. Despite the scale and amount of development associated with the houses to the rear, they maintain to some extent, because of their set-back, the relatively low-key transition into the open countryside beyond. The proposed house would appear cramped within the plot and would be dominated by surfaced areas rather than landscaping. The composition of the front elevation, with the side facing dormer dominating the forward facing gable, would not represent high quality design.
 8. When approaching from the north, the increased scale of development overall would result in a stark transition from the countryside when joining Whiteditch Lane. The size of the house, its position within the plot and the scale of surfacing, together with the lack of potential landscaping opportunities, would be entirely at odds with the existing character of this area and would result in considerable harm to it.
 9. The Uttlesford Local Plan 2005 (LP) policy S7 seeks to protect the countryside from unnecessary development. The appellant suggests that the policy states that if there are opportunities for sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements these will be acceptable if development would be in character with the surroundings and have limited impact on the countryside. Whilst the policy does refer to infill development, I have not located this particular text. In any event, I do not agree that the proposal represents infilling. I also find no reason why development of the form proposed needs to be in this location; and it would result in harm to the character of its surroundings. It would be contrary to LP policy S7.
 10. Although not listed in the reason for refusal, the parties have referred to LP policy GEN2 which requires at part (a) that development must be compatible with the scale, form, layout, appearance and materials of surrounding buildings. I find clear conflict with this requirement, particularly in relation to layout and consequently, appearance.
 11. The Newport Quendon & Rickling Neighbourhood Plan 2018-2033 (NP) was formerly made in 2021. Policy NQRHA1 advises that development outside of

the development limits will not be supported other than ... small scale infill development within existing clusters of development. There is dispute as to whether the proposal meets this definition. The NP glossary defines infill as 'The development of a relatively small gap between existing buildings'; and a cluster as 'A low density grouping of houses at an individual site, or hamlet, separated from the villages, and comprising a small number of dwellings in a non-linear arrangement'. The proposal does not fall within these definitions. It does not benefit from support from this policy.

12. Policy NQRHA2 requires that development must be sensitive to the setting of Newport within the surrounding countryside; and the design and layout of any new development must take into account existing views into and from the countryside and ensure that the visual connection to the countryside is not lost. The proposal clearly conflicts with this policy as it would be entirely insensitive to the setting of the settlement and its relationship with the countryside. It would also conflict with the elements of policy NQRHA3 that seek to protect and enhance the historic settlement pattern; and ensure development is well integrated with the surrounding landscape. Similarly, it conflicts with policy NQRHD2(a & b) which expects development to relate well to its site and its surroundings; and make a positive contribution towards the distinctive character of the village as a whole.
13. Overall, given the harm that would result to the character and appearance of the area, the proposal conflicts with LP policies S7 and GEN2, the policies of the NP and the development plan as a whole. With regard to the *National Planning Policy Framework*, the proposal would conflict with paragraph 130 as it would not add to the quality of the area; would not be visually attractive due to the layout and lack of landscaping; and would not be sympathetic to local character.

Highway safety

14. The proposal would add one dwelling. The road is also a designated bridleway. It has a narrow single track and vehicles can pass only where there are accesses, junctions or passing bays. The nature of the track is likely to ensure that drivers pass each other; and other users, with considerable care and at low speeds. The access with Bury Water Lane also offers challenges with sharp narrow bends and limited forward visibility of oncoming vehicles and other road users.
15. I have considerable sympathy with the view that the very numerous incremental housing additions, cumulatively, have massively increased the use of this narrow country lane. It is not a road that is suited to significant levels of traffic. However, I must consider whether this single house would add to highway safety concerns. There is no evidence to suggest that it would. I am also satisfied that residents could safely use the lane for cycling or walking. LP policy GEN1 requires that development must not compromise highway safety and must take account of and encourage other road users. Given the care required to use the lane by all users, I find no conflict with this policy.

Other matters

16. The proposal would result in the addition of a new dwelling which would contribute to housing supply and generate economic activity both during and

after construction. There is no dispute that the council do not have a 5-year supply of housing. The exact level of provision is not agreed but it is accepted that it falls between 3 and 4 years. This under provision increases the benefits of the proposal. It would result in a more efficient use of land and although for policy terms it is outside the settlement boundary, it is closely related to existing development and would not extend development further into the countryside. The Framework makes clear the government's objective of significantly boosting the supply of homes.

17. The residents of a new house would be likely to contribute to the enhancement and maintenance of the vitality of this rural community as advocated by paragraph 79 of the Framework. It would therefore make a small contribution to both the social and economic objectives of sustainable development, despite the harm to environmental objectives. I am mindful that paragraph 69(c) of the Framework requires that great weight be given to the benefits of suitable windfall development. However, the particular details proposed do not demonstrate that this site is suitable.
18. The council have more than a 3-year supply of housing land for the purposes of the NP which was made within the previous two years. It is common ground that the LP housing policies are out-of-date, but the NP policies are not.

Conclusions and planning balance

19. The scale and position of the proposed house, together with the scale of surfacing to the front of the site and the limited potential for landscaping, would result in an overly dominant and prominent development that would be entirely at odds with the character and appearance of this area. It would represent a cramped overdevelopment of this site and be unsympathetic to its rural setting.
20. The proposal would be contrary to the design requirements of LP policy GEN2(a). This is consistent with the Framework and can be afforded full weight.
21. Policy S7 is not consistent with the countryside policies of the Framework. Moderate weight was afforded to it during the appeal relating to the original application for two dwellings on this site. The site was at that point, beyond the developed area of the settlement. The scale of the two houses that have been built and their much more formal surrounds, compared to the appeal scheme, including the detail of the driveway and the scale of hard landscaping to their frontages, has significantly changed the character of this site. The Framework is more supportive of development on the periphery of existing settlements where it would contribute to social objectives. Given these circumstances, I now find greater conflict with the Framework and afford very limited weight to the policy in relation to the particular context of this site.
22. The proposal does not gain support from NP policy NQRHA1 with regard to the location of development and would result in significant conflicts with the more detailed requirements of policies NQRHA2, NQRHA3 and NQRHD2(a & b) with regard to character and appearance. These are not out-of-date and can be afforded full weight.

23. Decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The NP meets the requirements of paragraph 14 of the Framework which concludes that the adverse impact of allowing development that conflicts with a NP is likely to significantly and demonstrably outweigh the benefits.
24. With regard to the Framework, although the proposal contributes to social and economic objectives, these benefits would not be sufficient to outweigh the environmental harm that would result. Overall, the adverse impacts of granting permission for this particular development, would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole.
25. As there are no matters that suggest that a decision contrary to the development plan and the NP in particular, should be reached, the appeal is dismissed.

Peter Eggleton

INSPECTOR