

Title: Appeal Decisions

Item 6

Author: Nigel Brown –

SITE ADDRESS	APPLICATION NO	DESCRIPTION	APPEAL DATE & DECISION	SUMMARY OF DECISION	DECISION BY OFFICER/OVERTURNED BY COMMITTEE
Land West Of 1 Chestnut Cottages Burton End Stansted	UTT/13/3436/OP	Outline application for the erection of 2 no. dwellings with all matters reserved	Dismissed 22 July 2014	<p>The Inspector concluded that the site was located in an unsustainable location away from services, although facilities in Stansted were only a mile away, he concluded that the nature of the road and absence of a footpath, still meant that there would be an over reliance on the motor car and that the site constituted an unsustainable location. The Inspector did consider that the development of the site would result in the clearing of what was currently an untidy site; however he did conclude that the lack of sustainability of the site outweighed this gain. Notwithstanding this view, the Inspector questioned whether the site constituted previously developed land as there are minimal structures on the site.</p> <p>Due the lack of evidence provided by the appellant, the Inspector took a precautionary approach regarding the potential impact of the occupants of the proposed dwellings from noise from aircraft traffic from Stansted Airport.</p>	<b>Refused</b>

<p>Plot 10 Goddards Yard Thaxted Road Saffron Walden</p>	<p>UTT/13/2395/FUL</p>	<p>1 no. new dwelling</p>	<p>Approve  23 July 2014</p>	<p>In allowing the appeal the Inspector questioned the general contribution the character of the area from the open space function of this railway embankment. She concluded that the development of this site would afford an opportunity for further tree planting that would improve the character of the area.</p> <p>She concluded that due to the lack of any significant overlooking windows, the development would not cause material harm to the living conditions of the occupants of neighbouring properties on Prospect Place, with regard to outlook, privacy and light.</p>	<p><b>Refused and upheld at Committee</b></p>
<p>Land Adj Grind Hall Wood End Green Henham</p>	<p>UTT/13/1952/OP</p>	<p>Change of use of land from agricultural to residential, and erection of four dwellings and associated garages and alteration of access with all matters reserved except access.</p>	<p>Dismissed  28 July 2014</p>	<p>The Inspector concluded that the site's position relates more to the countryside than the existing settlement, and as such is considered an unjustified intrusion into the countryside.</p> <p>The Inspector also considered that the absence of required ecological surveys could not be addressed by the imposition of a planning condition. She stated that "Circular 6/2005 indicated that a survey should be carried out before permission is granted where there is a reasonable likelihood of a protected species being present and affected". The likelihood of reptiles and newts being present was high due to the proximity of the Elsenham Woods SSSI.</p> <p>She was content that the affordable housing contribution was justified based upon the Council's Housing Strategy and SHMAA.</p>	<p><b>Refused</b></p>

<p>Land Rear Of The Nest Goose Lane Little Hallingbury</p>	<p>UTT/13/2844/OP</p>	<p>Outline application, with some matters reserved, for the erection of 1 no. one and a half storey dwelling including demolition of existing double garage</p>	<p>Dismissed  11 July 2014</p>	<p>In dismissing the appeal the Inspector considered that the proposed development would not achieve the necessary separation distances stipulated within the Essex Design Guide. Even more pertinent was her concerns that the development of the garden with a dwelling would be out of character of this part of the village, which is characterised by spacious layout, this development would appear cramped within this area.</p> <p>Although the access would meet the technical requirements of the highway authority, "its position in close proximity to both the exiting dwelling and adjacent dwelling, and the need to run the whole length of the site in order to access the proposed garage would prejudice the living conditions of the occupants of the adjacent properties due to noise and disturbance.</p>	<p><b>Refused</b></p>
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