

Title: Appeal Decisions

Item 6

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SITE ADDRESS	APPLICATION NO	DESCRIPTION	APPEAL DATE & DECISION	SUMMARY OF DECISION	DECISION BY OFFICER/OVERTURNED BY COMMITTEE
Land South Of Homestead Bungalow Ashdon Road Radwinter	UTT/13/3451/FUL	Erection of live-work dwelling with link to existing outbuilding to be used as workshop and office with new vehicular access	23/10/2014 Dismissed	The Inspector concluded that the “proposal would cause harm to the character and appearance of the area, albeit that such harm would be limited to the countryside setting within the immediate locality of the site. Furthermore, the proposal would not represent a sustainable form of development by virtue of the social and environmental harm that would stem from the remote location of the proposed dwelling”.	N/A
Land Adj Three Horse Shoes Bannister Green Felsted	UTT/13/3431/FUL	Erection of 1 no. New Dwelling and garage.	13/10/2014 Dismissed	The Inspector considered that although the scale of the development had been reduced from the previously dismissed scheme, “the principle remains the same; that the site is in a location where policies of restraint indicate that the housing development should not take place” This is mainly due to the lack of the sustainability of the location due to the lack of facilities within the hamlet of Bannister Green. The Inspector also added that the site currently provides a soft edge to the settlement, and that the proposed development would not protect the transitional character of this part of the countryside.	N/A

Easterlee Barn Brookend Road Stebbing	UTT/14/1010/FUL	Conversion of redundant cart lodge to provide single storey dwelling with studio/office and proposed garage.	22/10/2014 Allowed	<p>The Inspector accepted that the building was a heritage asset of a sound structural nature, and that alternative business uses had been appropriately considered and investigated. As such “the conversion would accord with the aims of local and national policies on the re-use of such buildings and there would be an enhancement of the immediate setting and the presentation of the building in the public view”. He considered that Policy H6 allowed for the conversion of heritage assets for dwellings and this was in accordance with sustainable development regardless of its remote location. The Inspector was also satisfied that the conversion would sit well in the group of other conversions and residential buildings.</p> <p>The application for costs by the appellant was rejected.</p>	N/A
Land R/O Waltham Hall Industrial Estate Takeley	ENF/102/11/B	Appeal Against Enforcement Notice	29/09/2014 Part allowed/part quashed	<p>The Inspector used her authority to amend the wording of the breach of the notice so it is for the parking of motor vehicles and not the storage of motor vehicles. As a result of the amendments the appellants withdrew the ground B appeal (the breach did not occur).</p> <p>With regards to the ground A appeal (permission should be granted) the main issue is the impact on the character and appearance of the countryside. The Inspector stated that there is “limited visual impact on the rural character and appearance of the area” as the area used for parking is screened and not visible from outside of the site. The Inspector goes on further to say “Whilst I accept that the lack of visibility from public viewpoints is not a justification for the grant of planning permission ... I do not consider that, given the extent of the other activities on the appeal site and the relatively small enclosed area that comprises the land hatched blue that any significant harm arises from the parking use”. She also considered that the benefits of</p>	N/A

				<p>the development outweigh the failure to comply with Policy S8.</p> <p>The Inspector was satisfied that the proposed conditions which required additional landscaping were reasonable and will “protect and enhance the visual character of the area”.</p> <p>The ground E appeal (the notice was not served properly) failed as the appellants, whilst not being served directly, were not prejudiced.</p>	
Land West Of Weaverhead Lane Thaxted	UTT/14/1147/FUL	Demolition of 2 no. garages and erection of 1 no. detached dwelling	13/10/2014 Dismissed	<p>The Inspector stated that proposed development would appear cramped on its plot and contrived in shape. As such it was considered “the design has not reached the standard sought in the Framework and would appear out of place and unattractive, contrary to the aims of Policies S3 and ENV1, such that the test in the 1990 Act of the preservation of the conservation area is not met”.</p> <p>The proposed amenity space provided for this scheme was 38 sq. m, for a one bedroom unit, although still unclear on the whether the size was deficient, the Inspector was not satisfied that due to the dispersed nature of the space, he was convinced that the space provided a readily useable space with sufficient privacy.</p> <p>The Inspector was not concerned specifically on the issue around the size of the proposed parking bay.</p>	N/A
Rear Of 14 Cambridge Road Stansted	UTT/13/1126/FUL	Mixed use development comprising 14 No. dwellings, ground floor retail unit with independent first	21/10/14 Dismissed	<p>The Inspector considered that the proposed garden land/amenity space for five of plots would “be well below the level that could reasonably be expected, even accounting for the urbanised context of the site. The size and internal layout of the dwellings suggests that they are designed to cater for a range of potential occupants, including families, and the urban location of the site does</p>	Officer – Conditional Approval overturned by Committee

		floor office and 2.5 storey commercial building including associated garages, car parking and landscaping		<p>not provide justification for a layout that would provide an unsatisfactory residential environment”</p> <p>He raised with respect of the lack of visitors’ car parking on the site or parking for the proposed commercial units. This coupled with the restricted parking on Cambridge Road, added to the problem. He did not consider that visitors would use the adjacent public car park, instead visitors would likely park on street adding clutter to the street scene.</p> <p>Although three of the units did not comply with Lifetime Homes standards, he was satisfied that the proposal would meet the overarching requirements of Policy GEN2 of the Local Plan.</p>	
Land At Clatterbury House High Street Clavering	UTT/13/2987/FUL	Proposed new dwelling	13/10/14 Allowed	<p>The Inspector considered that the site sits in a continuous built up frontage and that the proposed dwelling would relate well with adjoining properties. He did not consider that the gap in the frontage was too large to be considered an infill plot. He did not consider that the proposed dwelling would be out of place having regard to the variety of architectural styles nearby.</p> <p>He considered that the site is suitably related well to existing services within the village and there would not be an over-reliance on the private car to use some of the services.</p> <p>The Inspector did not consider that the removal of the existing earth bank would have a detrimental effect upon the Conservation Area. Additionally, he did not feel that there would be no harm to the setting of the listed Clatterbury House.</p>	N/A

Land East Of Peggys Walk Littlebury	UTT/14/0347/FUL	Proposed new dwelling	02/10/14 Dismissed	The Inspector concluded that “the site does not represent an underutilised site and would result in a cramped form of backland development that would not reflect the character of the area. The proposal is therefore contrary to LP Policies GEN2 and H4 which seek, amongst other things, to ensure development is of a high quality, is compatible with the form and layout of the area and does not harm the living conditions of the occupants of nearby properties”.	N/A
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