

LAND AT DAISYLEA HOUSE, HOLDERS GREEN ROAD, LINDSELL

PLANNING & DESIGN STATEMENT

Earlswood Homes

Land at Daisylea House, Holders Green Road, Lindsell

November 2023



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1. INTRODUCTION

- 1.1 This statement has been prepared on behalf of Earlswood Homes in support of a planning application for redevelopment of land at Daisylea House, Holders Green Road, Lindsell.
- 1.2 The application is for full planning permission to redevelop land to the rear of Daisylea House to provide 3 new homes with a new access onto Holders Green Road. The formal description of development is:

Erection of 3 dwellings with access from Holders Green Road together with parking, landscaping, and associated works.

- 1.3 There are several recent or ongoing developments of new homes immediately to the north (Templars) and south (Lindsell Car Breakers) which are relevant context to the proposals and are a significant material consideration. These are discussed in detail below under Planning History.
- 1.4 This Planning & Design Statement seeks to:
- Describe the context to the site and application, including applicable planning policies
 - Bring together the additional supporting studies, information and surveys accompanying the application
 - Explain how the scheme has been developed taking account of site context, planning policies and design & access considerations; and
 - Conclude as to the overall planning merits of the scheme.
- 1.5 The application is submitted with various supporting documents in addition to this Statement, including:
- A suite of plans and drawings (prepared by KLH Architects)
 - Arboricultural Survey and Impact Assessment (prepared by Arbtech)
 - Highways Design (prepared by Capital Traffic)
 - Preliminary Ecological Appraisal (prepared by Arbtech)
 - Bat Emergence and Re-Entry Survey Report (prepared by Arbtech)
 - Flood Risk Assessment and Drainage Strategy (prepared by GH Bullard)

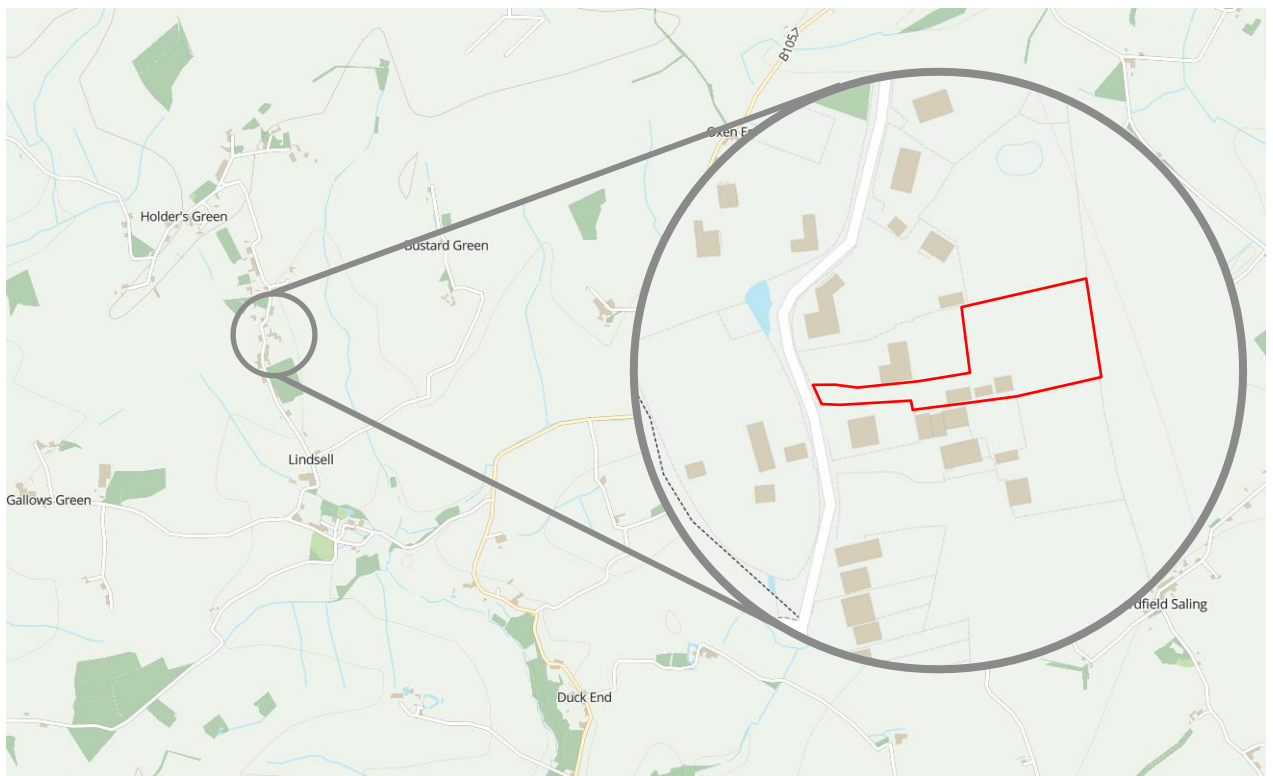
2. CONTEXT AND HISTORY

Site & Surroundings

Location

- 2.1 The application site is situated amongst a cluster of residential properties stretching north along Holders Green Road, Lindsell. The site is within a rural village location with Lindsell Village Hall approximately 400m to the south and St Mary the Virgin Church approximately 900m south. There is also a Farm Shop (Priors Hall Farm) to the south, which sells a range of produce and is open to the public daily.

Figure 1: Site location



Description of the Site

- 2.2 The site is situated on the eastern side of Holders Green Road and comprises the rear part of the substantial rear garden of Daisylea House. The site is sandwiched between recently completed and under construction housing developments at Templars (to the north) and former Lindsell Breakers Yard (to the south).
- 2.3 The site is typical garden land, comprising lawned areas, domestic shrubbery and trees and typical domestic paraphernalia including patio areas, outbuildings, and sheds. Most of the trees have been identified as low quality and value (Grade C or Grade U); however, there are a small number of Grade B (moderate value) trees on the boundary. Some boundary trees have been

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removed as part of the construction of the neighbouring developments. The existing property, Daisylea House, is a large, detached chalet style property with first floor accommodation set partially within the roof space. This property fronts onto Holders Green Road but is set back behind a generous frontage driveway.

- 2.4 To the rear, the site adjoins open agricultural fields.
- 2.5 The site is within Flood Zone 1 and at low risk from surface water flooding according to Environment Agency mapping.
- 2.6 The site extends to approximately **0.31ha**.

Understanding Local Character & Context

- 2.7 Linsdell is a dispersed settlement in the east of Uttlesford District, approximately 4 miles northeast of the town of Dunmow. The village, which also comprises the hamlets of Holder Green and Bustard Green is set high within a largely flat landscape. The settlement pattern is typically linear along roads and lanes, or scattered farmsteads, with no major villages or centres.
- 2.8 The area is identified within the 2006 Landscape Character Assessment as falling within B11 – Linsdell & Bardfield Farmland Plateau. This area is identified as being characterised by open, broadly rolling plateau of mainly large arable fields bounded by traditional field hedgerows and shelterbelts, with occasional woodland blocks interspersing the wider landscape. The topography is largely flat with the exception of the valley of Daisylea Brook which runs north-south through the landscape to the east of the site. The LCA identifies that vernacular architecture is typically pale cream or white-washed plaster with thatched roof, and occasionally red brick and flintwork.
- 2.9 In terms of the immediate vicinity, the site is set amongst a cluster of houses along this stretch of Holder Green Road. To the south, there is a more uniform group of 1960/70s semi-detached and detached houses lining either side of Holders Green Road. These houses are typically two storey and of simple architectural style with gabled pitched roofs (and the occasional hipped roof) and limited architectural detailing. Materials comprise a mix of brick and render, with a mix of concrete pantile and slate roofs. The Old School sits at the southern end of this group and comprises a Victorian former school building (now converted to a residential property) in yellow brick with red brick contrast details under a slate roof.
- 2.10 Beyond this group to the north, development is historically characterised by detached houses, arranged sporadically along Holders Green Road and typically in larger plot. The pattern of development is organic and informal, with no consistent arrangement in terms of building orientation and set back from the road. Buildings are varied in style and appearance, comprising a mix of single storey, chalet and two storey properties of differing ages and materials.
- 2.11 Within this group, there have been recent new developments consented as described above. These have introduced new houses in behind (to the east of) the frontage detached properties to the north and south of the site at Templars and the old breakers yard. These two consented developments both comprise cul-de-sac layouts of detached and semi-detached properties.

3. PROPOSED DEVELOPMENT

Overview

- 3.1 The application seeks full planning permission for the erection of 3 new 4-bedroom detached homes to the rear of the existing property, Daisylea House. The new homes have been designed to comply national space standards.
- 3.2 The development would take vehicular access from Holders Green Road, with a new access driveway created to the side of Daisylea House which is to be retained.
- 3.3 In summary, the proposed development comprises:
 - 3 new 4-bedroom homes; and
 - Vehicular access from Holders Green Road incorporating an internal turning head.

Proposed Layout & Design

Figure 2: Proposed Site Layout



- 3.4 The layout of the proposed development has been designed to respond to the changing context around the site, in particular the layout and arrangement of the two consented schemes to the immediate north and south of the site.
- 3.5 The donor house retains a rear garden of approximately 20m depth.

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- 3.6 A new driveway would be formed to the side of the retained dwelling on the frontage. This leads to a courtyard style turning head around which the 3 proposed new houses would be arranged, all of which front onto the shared driveway. Plot 1 is oriented perpendicular to the donor house, with its garden facing north, with Plots 2 and 3 oriented with their rear gardens facing to the east and backing onto the adjacent countryside.
- 3.7 Each of the proposed houses has its own private rear garden. Off-street parking is proposed for all dwellings with each having two parking bays together with a 2-bay car barn/cart lodge. Two additional visitor parking bays are incorporated along the access road.
- 3.8 The layout retains space for soft landscaping along both sides of the access road.
- 3.9 The proposed houses are a mix of chalet style (HT2) and two storeys (HT1). The buildings have traditional pitched roofs with front gabled projections. Architecturally, the houses incorporate simple contemporary styling in terms of fenestration, including louvred details and feature gable windows to the rear elevations. Materials would be red multi-stock brick and light-coloured render, with clay plain tile to the roofs.

4. PLANNING POLICY & PLANNING HISTORY

- 4.1 This section examines the planning policy framework against which the proposals have been developed and the application will be considered.

Local Policy

- 4.2 The adopted development plan relevant to this application comprises the **Uttlesford Local Plan 2005**.
- 4.3 The Local Plan 2005 is dated, and pre-dates the introduction of the NPPF. Whilst that does not mean that the policies are *de facto* out of date, it does mean that the weight to be afforded to the policies is diminished where they do not align with or are not consistent with the NPPF. In this regard, appeal decisions and the review of Local Plan policies by Ann Skipper (dated 2012) are relevant. In particular, as acknowledged by the Inspector in the appeal in Elsenham in 2020¹, *“there can be little doubt that the LP is now painfully out of date in terms of its purpose, its strategy, its content and its housing delivery policies. It does not meet the requirement for the Council to have an up to date plan and it is clearly not a strong foundation upon which to refuse permission”*.
- 4.4 It is acknowledged that the Council is currently developing a new Local Plan; however, that remains at the early stages of development and the policies and proposals within it currently attract very limited weight.

Uttlesford Local Plan 2005

- 4.5 The Uttlesford Local Plan 2005 sets out both the overarching spatial and growth strategy for the district of Uttlesford, as well as detailed development management policies against which individual planning applications are to be assessed.

Designations

- 4.6 As alluded to above, Lindsell as a dispersed settlement does not have an identified settlement boundary within the Local Plan 2005. Consequently, the site is outside of development limits and falls within the countryside.
- 4.7 There are no other Local Plan designations covering the site.

Policies

- 4.8 As the site is outside of development limits (and therefore within countryside), Policy S7 is relevant. Policy S7 sets out the approach to development within the countryside, and notes that

¹ APP/C1570/W/19/3242550

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the countryside will be *“protected for its own sake”*, with planning permission granted only for development that needs to take place there or is appropriate to a rural area. The policy notes that this can include infilling. Policy S7 sets out a *“strict control on new building”* and that development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set.

4.9 The Local Plan also contains a series of *General Planning Policies* which apply to all development and address local quality of life issues. Of these, the following are considered relevant to the proposal:

- **GEN1- Access** - sets out that development will only be permitted if it meets a series of criteria related to access. This includes that the access and surrounding road network must be capable of carrying the traffic generated by the development safely, the design of the access must not compromise road safety, taking account of all users, and the development encourages movement by means other than car.
- **GEN2 Design** – sets out criteria for the design of new development, including that it should be compatible with the scale, form, layout, appearance and materials of surrounding buildings; safeguards importance environmental features; helps to minimise water and energy consumption and waste production; minimises the environmental impact on neighbouring properties and would also not have a *“materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property”*.
- **GEN3 – Flood Protection** – requires that new development outside of flood risk areas must not increase the risk of flooding through surface water run-off and requires consideration to be given to Sustainable Drainage Systems in the first instance.
- **GEN6 – Infrastructure Provision to Support Development** – sets out the development will not be permitted unless it make provision for adequate infrastructure at the appropriate time that is made necessary by the development.
- **GEN7 – Nature Conservation** – this policy identifies that development which would have a harmful effect on wildlife or geological features will not be permitted unless the need for development outweighs the harm. The policy indicates that surveys will be required where a site includes protected species or habitats and that mitigation should be provided for the potential impacts of development.
- **GEN8 – Vehicle Parking Standards** – requires the number, design and layout of parking spaces to be appropriate for the location and meet relevant supplementary planning guidance.
- **ENV3 – Open Spaces and Trees** – sets out that the loss of traditional open spaces, visually important spaces, groups of trees and fine individual trees will not be permitted unless the need for development outweighs their amenity value.

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- **ENV7 – The Protection of the Natural Environment – Designated Sites** – deals specifically the approach to development proposals that adversely affect sites of national importance for nature conservation (e.g. SSSIs) or local importance (such as County Wildlife Sites).
- **ENV8 – Other Landscape Elements of Importance for Nature Conservation** – sets out that development which adversely affects a series of landscape elements (including hedgerows, tree belts, woodlands, orchards, etc.) will only be permitted if the need for development outweighs retention and mitigation measures to compensate the harm are provided.

4.10 In relation to infilling, paragraph 6.14 of the Local Plan advises that *“There is no specific policy on infilling outside development limits because any infill proposals will be considered in the context of Policy S7. This says that development will be strictly controlled. It means that isolated houses will need exceptional justification. However, 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 in the context of existing development.”* This therefore acknowledges that, in limited circumstances, infilling outside of development limits can be considered acceptable.

4.11 As above, the Local Plan 2005 has been identified at appeal as being *“painfully out of date”* in general terms. In addition, in specific terms, Policy S7 which deals with development in the countryside has also been identified as being inconsistent with the NPPF. As explained by the Inspector in the Elsenham appeal, Policy S7 *“in seeking to protect all countryside...patently goes some way beyond the advice in paragraph 170(b)[now 174(b)] of the Framework”* which *“does not seek to protect the countryside outside defined settlements. Instead, it advocates a more cost/benefit approach where the merits of the proposal are weighed in the balance”*. Consequently, the Inspector accepted that *“where Policy S7 is used to restrict housing, it cannot be seen to be consistent with the language of the Framework”*. This inconsistency was also accepted in the Council’s own review by Ann Skipper in 2012. The weight to be afforded to Policy S7 is therefore significantly diminished.

National Policy

National Planning Policy Framework

- 4.12 The National Planning Policy Framework (NPPF) (2023) is a material consideration for the purposes of decision-making on planning applications.
- 4.13 It sets out the Government’s overarching vision for the planning system and approach to delivering sustainable development.
- 4.14 The NPPF includes several key policies which are relevant to this application, including:

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- Seeking to **significantly boost the supply of housing** and ensure that planning delivers a **wide choice of high-quality homes** (Chapter 5) and recognising the **important contribution that small and medium sized sites** can make to meeting housing needs (Paragraph 68)
- Promoting the **efficient use of land** (Chapter 11) and maximising densities, particularly where there is high demand for housing (Paragraph 123)
- Seeking to achieve **well-designed places** which function well and add to the quality of places by respond to local character but without stifling innovation and change (Chapter 12)
- Seeking to **recognise the intrinsic character and beauty of the countryside** (Paragraph 174b)

4.15 As discussed above, numerous appeal decisions have acknowledged that the Council's policies are out of step with the NPPF, particularly in relation to the approach to development in the countryside. These appeals recognise that, whilst the Framework seeks recognition of the intrinsic character and beauty of the countryside, it does not prevent development within it nor resist development in the countryside as a matter of principle. It takes a more positive, balanced approach rather than an inherently protectionist one.

4.16 In relation to affordable housing, the NPPF makes clear that affordable housing should not be sought on non-major developments (i.e., under 10 units).

National Design Guide

4.17 The National Design Guide forms part of the Government's collection of planning practice guidance and helps to deliver the design policies in the NPPF. It demonstrates how well-designed places can be achieved in practice and sets out ten characteristics and a series of principles which illustrate the Government's design priorities. Key points to note include:

- Principle I1 expects new development to respond to existing local character and identity. It sets out that well-designed development is influenced by an appreciation of vernacular and character, including built form, landscape and local architectural precedents and the elements of a place that make it distinctive.
- Principle I2 seeks to achieve well-designed, high quality and attractive places and buildings, which are visually attractive. It acknowledges that *"all design approaches and architectural styles are visually attractive when designed well"*. Principle I2 advises that well-designed places contribute to local distinctiveness.
- Principle I3 expects new developments to create character and identity, acknowledging that where the scale or density of new development is very different to the existing place, it may be more appropriate to create a new identity than to scale up the character of an existing context.
- Principle B2 advises that well-designed places use the right mix of building types, forms and scale of buildings for the context and proposed density.

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Five Year Land Supply

- 4.18 The Framework requires that Local Planning Authorities maintain a five-year supply of land/sites sufficient to meet their relevant housing requirements.
- 4.19 The Council has, for a considerable period, been unable to demonstrate a five-year land supply. The absence of a five-year supply was also accepted and confirmed by the Secretary of State in the recent recovered appeal decision on Land East of Highwood Quarry, Dunmow (APP/C1570/W/21/3289755) in September 2023. In that case, the Secretary of State concluded that despite the improved position indicated in the December 2022 HLS statement, *“there is not a 5-year housing land supply, and that the presumption in favour of sustainable development is thereby triggered.”*
- 4.20 Subsequent to that appeal, the Council have (October 2023) published a revised housing land supply statement which indicates that the Council is now able to demonstrate a 5.1-year supply. Even if this proves to be the case, it does not mean that the benefits of additional new homes attract no weight or should be ignored, particularly given the presumption in favour of sustainable development is still engaged in light of the out of date policies in the Local Plan (particularly Policy S7 which is relevant to this application).

Planning History

- 4.21 The only previous planning history recorded on the site itself relates to applications for domestic extensions and alterations to the existing donor house (previously known as “Tudor Lodge”) under references UTT/1029/09/FUL (rear extension) and UTT/1029/09/FUL (basement).
- 4.22 There are no previous applications for residential redevelopment of the site or its garden.
- 4.23 As described above, the proposed development is sandwiched between plots to the north and south, both of which are subject to recently consented residential developments. These neighbouring developments are clearly a material consideration in the determination of this application and are important in judging the physical and character context within which the site is located.
- 4.24 To the north, the plot of Templars and Templars Farm has extensive planning history and has undergone considerable redevelopment for additional residential dwellings. Key applications include:
- UTT/20/0349/FUL -Infill residential development comprising the erection of a detached dwelling with associated access and amenity – Refused but **Appeal Allowed**. In allowing the appeal, the Inspector made the following observations:
 - Being within the curtilage/garden of Templars Farmhouse and enclosed by fencing and hedging *“the site does not contribute to the open rural nature which is experienced beyond the appeal site”*.

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- *“Views of the site are restricted by the existing fencing and hedge. Nevertheless, where views can be afforded, the site appears part of the domestic surroundings of Templars Farm House and the grouping of housing comprising Heath Barn and Little Lodge, rather than as part of the open countryside beyond the appeal site”.*
- *“The proposed development would be located within a small cluster of development and would fall within the definition of infilling referred to by Policy S7. There would be a degree of urbanisation...through an additional house. However, the development would be located within the domestic surroundings of Templars Farm House rather than on a field of paddock and would not greatly diminish views along the road.”*
- *“Although the proposal would not fully comply with policy S7 of the LP, this would only result in limited environmental harm which does not demonstrably and significantly in this case outweigh the benefits when assessed against the policies in the Framework taken as a whole”.*
- UTT/20/2345/FUL -Replacement of the existing two storey dwelling with the erection of a pair of two storey semi-detached dwellings with associated access, parking and amenity – Refused but **Appeal Allowed**. In allowing the appeal, the Inspector made the following observations:
 - *“There is a general feel of domesticity to the appeal site, with garden and parking areas for the existing and adjacent properties... This would be exacerbated further by the provision of the additional dwelling approved to the west, essentially sandwiching the appeal site between two distinct areas of residential development.”*
 - *“Moreover, as a result of the existing residential use of the appeal site and adjoining properties, I am not persuaded that the introduction of a pair of semi-detached dwellings...would alter the nature of the site so dramatically that it would be out of keeping with the general locality”.*
 - The Inspector concluded that the development would not be in conflict with Policies S7 and GEN2 of the Local Plan 2005.
- UTT/21/2984/FUL – Erection of 2no. two-storey detached dwellings and a pair of two-storey semi-detached dwellings with associated access, garages, parking and amenity – **Approved with Conditions**. In granting permission, the Officer Report makes the following important observations:
 - The site *“would also be within a cluster of development located within the domestic surroundings of the existing dwellings and would also not greatly diminish views along the road. “*
 - *“The Review found Policy S7 to be partly consistent with the NPPF in that the protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development but the NPPF takes a positive approach, rather than a protective one. As a consequence, whilst Policy S7 is still relevant to the consideration of this application, there remains a presumption in favour of sustainable development.”*

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- *"The site sits within the extent of the existing surrounding settlement, staying in line with the development and not encroaching out into the open countryside".*
- *It is considered that on balance, although the proposal would introduce additional residential development in a location that would mean residents are solely reliant on the car, the benefits of the proposed development sitting within the established residential and domestic area, adding dwellings to the housing supply within the district and protecting the countryside would outweigh the limited harms. It is therefore concluded that the principle of development is considered acceptable for this site".*

4.25 To the south, the plot of the former Lindsell Breakers Yard has also been granted permission for residential development on both the frontage but also extending back into the site. The most relevant application in respect of this neighbouring site is UTT/21/0690/OP which was granted outline permission at the local level in 2021. In granting permission, the following observations from the Officer Report are relevant:

- Due to the location, *"it is highly likely that there would be sole reliance on the motor car. Whilst this is not promoting the use of sustainable transport, the NPPF does acknowledge that 'opportunities to maximise sustainable transport solutions will vary between urban and rural areas'.*
- *"Whilst there is no specific policy on infilling outside development limits, Policy S7 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 in the context of existing development."*

4.26 These recent permissions on the two plots immediately to the north and south make clear that the principle of infill development in this location is acceptable, particularly given the more limited weight to be afforded to Policy S7 due to the inconsistency of its overly protectionist approach. The decisions also acknowledge that, due to Policy S7 being out of date, the presumption in favour of sustainable development in the NPPF is engaged.

4.27 Furthermore, they set the tone of an evidently changing context and character for the application site, which is now sandwiched between two residential developments.

5. PLANNING ASSESSMENT

- 5.1 The following section considers whether the application proposal accords with the adopted Development Plan and whether there are any other material considerations relevant to the scheme.
- 5.2 This section also appraises the potential impacts and benefits of the scheme and concludes as to whether the proposals represent sustainable development which should be approved.

Principle of development

- 5.3 As above, it is accepted that the site falls outside of the defined *Development Limits* within the Uttlesford Local Plan. The site is therefore identified as countryside to which Policy S7 applies.
- 5.4 There can be no dispute that Policy S7, in seeking to protect the countryside for its own sake, oversteps the more positive and balanced approach advocated by the NPPF in relation to the countryside. The policy is not therefore consistent with the NPPF; it is out of date and thus diminished weight applies to its overly protectionist language. As the Council has previously accepted, the out of date nature of Policy S7 means that the presumption in favour of sustainable development (Para 11(d)) applies to developments such as this in the countryside.
- 5.5 Nevertheless, Policy S7 – when read in combination with paragraph 6.14 of the Local Plan 2005 – do not prevent infilling within clusters of dwellings in countryside locations. Specifically, the Local Plan acknowledges 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 in the context of existing development.”*
- 5.6 Development on this site would clearly be in character with its surroundings and have limited impact on the countryside in the context of existing development. This is even more the case given the consented residential developments to the immediate north and south which introduce new residential dwellings in similar backland locations.
- 5.7 In common with the situation identified by the Inspector in the Templars appeal (UTT/20/2345/FUL), this site would be *“essentially sandwiched...between two distinct areas of residential development.”* Given this dramatically changing context with residential developments either side, and as the site is already of domestic character being in a residential garden use, the introduction of additional dwellings would evidently be in keeping with the surroundings. The development of three detached dwellings on the site is the epitome of infill given what has gone before.
- 5.8 In addition, the proposals do not encroach into the countryside, neither physically nor visually. In common with the conclusions by the Council on the Templars development to the north (UTT/21/2984/FUL), *“the site sits within the extent of the existing surrounding settlement, staying in line with the development and not encroaching out into the open countryside”*. The same conclusions apply to this site, its eastern boundary is in line with that of Templars and

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does not stretch out into the arable fields beyond. The site is well screened along the boundary with open countryside to the east by tall dense hedgerow which minimises views of the development within the wider landscape. From Holders Green Road, the houses would be significantly set back, screened by retained vegetation and tree cover along the road frontage as well as the existing property, and the houses have been scaled to ensure that they would sit discretely in this context.

- 5.9 Taking the above considerations into account, whilst the proposals represent development within an area identified as Countryside in the Local Plan:
- Policy S7's overly negative approach of protecting the countryside for its own sake is out of step with national policy, and limited weight should apply to it;
 - The recently consented developments either side of the site are a significant material consideration;
 - Given the context, the site is "*sandwiched*" between built form and residential properties and has a demonstrably domestic context and character;
 - Both physically and in terms of the pattern of development, the proposals undoubtedly represent "infill" development, which can be allowed under Policy S7 and para 6.14 of the Local Plan; and
 - There would be no harm to the landscape character of the area, nor the intrinsic character and beauty of the countryside given the factors above.
- 5.10 Consequently, the proposed development is infilling and acceptable in principle.

Housing mix and affordable housing

- 5.11 The proposals would provide 3 new 4-bedroom family homes, and more generally, will contribute to housing land supply across the district, which is considered to attract added weight in favour of the proposals given the absence of a five-year supply.
- 5.12 Due to the number of units, the proposals are non-major and fall below the threshold for the provision of affordable housing as set out in the NPPF.
- 5.13 In addition, as a relatively small proposal the scheme is capable of being delivered by an SME housebuilder such as Earlswood Homes. In this regard, it will support the overarching ambition in the Framework to diversify the mix of housing sites to include small and medium sized opportunities, in particular paragraph 69 which acknowledges that "*small and medium sized sites can make an important contribution to meeting the housing requirement of an area*" and that local planning authorities should "*support the development of windfalls sites...giving great weight to the benefits of using suitable sites within existing settlements for homes*" as one of a number of actions to promote a good mix of sites.

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Design & Layout

Contributing to local character and distinctiveness

- 5.14 Local and national policies emphasise the importance of good design in new development.
- 5.15 The design and layout of the proposals has evolved in response to relevant planning policies, design guidance and the constraints of the site. The scheme has also been developed with regard to the neighbouring developments to the north and south.
- 5.16 As described above, the proposed development takes access from Holders Green Road with a new shared access driveway formed to the side of the retained donor house (following removal of existing outbuildings).
- 5.17 The new access road would serve the three proposed dwellings, so would be lightly trafficked. The layout retains a sufficient verge along either side of the road edge allowing for retention of existing boundary vegetation and introduction of new soft landscaping.
- 5.18 Moving into the rear of the site, the three proposed houses would be arranged around a courtyard style turning head. Plot 1 (HT2) is situated to the rear of the donor house, and oriented perpendicular to it. The siting and orientation of this plot mirrors the plots to the north on the consented development at Templars. The proposed building on Plot 1 would be set back from the road edge, allowing for a landscaped front garden area to demarcate public from private and to further soften the development.
- 5.19 The dwelling on Plot 1 is a two-storey building, but with the first floor set partially within the roof space, reflecting the scale, massing and form of the donor house. As demonstrated by the site section, this ensures that the proposed houses would not appear prominent or conspicuous when viewed in the backdrop to the donor house or when viewed from Holders Green Road. Furthermore, the front elevation of the house on Plot 1 would be set back in relation to the flank wall of the donor house, ensuring that it does not appear prominent or cramped when viewed along the new access drive.
- 5.20 The two houses to the rear (east) of the site (Plots 2 and 3 – HT1), are oriented to back onto the boundary with the adjacent fields and countryside. The layout and siting of these two plots seeks to respond to the layout of the houses consented on the rearmost part of the former Breakers Yard site to the south, which similarly back onto the countryside. This arrangement ensures that buildings themselves are set further back from the boundary with open countryside, helping to ensure that they appear recessive and not prominent in any views within the wider countryside landscape. Retained boundary hedgerow along this eastern boundary will further ensure an appropriately soft transition from the domesticity of this cluster of existing and proposed houses to the surrounding arable countryside.
- 5.21 There would again be ample space for soft landscaping within the front gardens of the two plots are the rear of the site, with each of the houses being set back between 4 and 6 metres from the shared turning head. This ensures that the site can be adequately landscaped to maintain a verdant character befitting its semi-rural setting.

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- 5.22 In addition, the southernmost of the two houses at the rear of the site has been deliberately set away from the southern boundary. This separation not only ensures that existing hedge and tree vegetation along the shared southern boundary can be retained, but also keeps the flank wall of the proposed house broadly in line with that of the donor house on the frontage. As a result, when viewing along the new access drive, there will continue to be a long-range view of the countryside beyond, rather than the view at the end of the access road being abruptly punctuated and terminated by the proposed house. This helps to retain a visual connection to the surrounding countryside and again ensures that the proposed houses are not conspicuous when glimpsed from Holders Green Road along the new driveway.
- 5.23 The two houses to the rear are proposed to be two storeys, reflecting the two-storey scale of the houses on the Templars site to the north and the houses at the rear of the site to the south. Since the land drops gently away at the back of the site, these two storey houses would not be any taller than the chalet style house at the front of the site, and the houses would actually be lower in height than the consented houses to the north and south.
- 5.24 As described above, the immediate stretch of Holders Green Road surrounding the site has a relatively varied and organic character. Whilst it is typified primarily by detached properties, there is a broad mix of ages, styles and size of houses and particular uniformity in appearance.
- 5.25 The development would maintain the prevailing pattern of detached houses, as is characteristic of this stretch of Holders Green Road. Furthermore, the houses would each have generous plot sizes which would be broadly comparable with those which were considered acceptable on the developments at Templars and the former Breakers Yard and which are generally compatible with the more spacious semi-rural character of the surroundings.

Figure 3: Proposed Elevations (Left – Plot 1 [HT2]; Right – Plots 2 & 3 [HT1])



- 5.26 In terms of architectural style and appearance, the proposed houses have traditional and characteristic gabled or barn hipped pitched roofs, reflecting the roof forms which typify dwellings in the area. In addition, the houses have been designed with front gabled projections which are commonplace in the surrounding area and mirroring the appearance and form of the donor house (Daisylea House) which also has this feature. The overall form of the houses is therefore in keeping with the vernacular of the area.
- 5.27 Architecturally, subtle contemporary styling is proposed in terms of the style and arrangement of fenestration, feature gable glazing to the rear elevations and the design of the dormers to Plot

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1. The materials palette is simple and restrained, being a mix of red multi-stock brick and pale cream render which reflect the vernacular and traditional palette of the area (as identified in the Landscape Character Assessment) as well as being harmonious when read in combination with the donor house.
- 5.28 Overall, the proposals represent a high-quality, locally distinctive design, which makes good use of the site and responds to the key characteristics of the area. The proposals would be an appropriate infill amongst the recent adjacent developments and would be sympathetic to the semi-rural character of the area. The scale and layout ensure that the proposals would not be visually intrusive or prominent in the wider countryside landscape. The scheme retains ample space for landscaping around the site to maintain a verdant feel appropriate to the setting, and the density and plot sizes are compatible with the surroundings and spacious character of the vicinity.
- 5.29 In this regard, the proposal meets the design requirements of policy GEN1 of the Local Plan 2005, the requirements of policy H4 in relation to Backland Developments and would preserve the character and appearance of the surrounding countryside. The proposals also comply relevant provisions of the National Planning Policy Framework.

Respecting residential amenities

- 5.30 The scheme has been laid out and designed to preserve the amenities of neighbouring properties as required by policy GEN2, GEN4 and H4.
- 5.31 The relationships between the proposed homes and neighbouring properties are discussed and analysed individually below.

Development to north at Templars (UTT/22/1946/FUL)

- 5.32 As described above, there is an existing consented development to the north at Templars which is under construction and nearing completion.
- 5.33 Plot 1 on the proposed development would broadly back onto Plot 4 in the consented scheme to the rear of Templars. Plot 4 is a detached two storey house with an L-shaped footprint and a generous rear garden.
- 5.34 The position of Plot 1 (HT2) in this application is such that it would maintain over 14m to the shared boundary with Templars Plot 4 at the closest point, and there would be over 29m between rear elevations. Given this separation distance, the proposed house would not cause harmful loss of privacy or overlooking of this neighbour. Furthermore, given the separation distance and the chalet scale and form of the proposed house on Plot 1, nor would the proposal give rise to a dominant or overbearing effect on the outlook from Templars Plot 4.
- 5.35 Proposed Plot 3 at the rear of the site abuts the rear boundary of Plot 3 on the Templars development to the north. Templars Plot 3 is a detached property set within a generous plot. The siting and orientation of Templars Plot 3 is such that its outlook is in a south-easterly direction and at an oblique angle to the site.

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- 5.36 The flank wall of Plot 3 on the proposed development be positioned along the rear garden boundary of Templars Plot 3. However, there would be a generous gap of over 5m between the flank wall of the proposed house and that of Templars Plot 3, such that the new dwelling would not cause an overbearing impact on this neighbour or its garden. The proposed Plot 3 has also been deliberately oriented so that the shallower part of its footprint adjoins the boundary with this neighbour, to further mitigate the perceived mass when viewed from this neighbour.
- 5.37 The separation distance between the flank wall of proposed Plot 3 and rear elevation of Templars Plot 3 would be approximately 22m at the closest point; again, this significant separation distance would ensure that there are no unneighbourly impacts.
- 5.38 There are no windows proposed in the northern flank wall of Plot 3 and, as such, there would be no direct overlooking from the proposed plot towards the neighbour on the Templars development.
- 5.39 Consequently, the proposals would not cause an unacceptable adverse impact on the new homes which have been erected on the neighbouring land to the north at Templars.

Development to south at Whitegates/Former Breakers Yard

- 5.40 The site to the south comprises a single storey bungalow set within a substantial plot with numerous outbuildings. The site has a lawful commercial use, with parts having been previously used as a Breaker's Yard.
- 5.41 As noted above, a residential redevelopment of the site has been consented; the reserved matters for which were recently approved. However, the permission has not yet been implemented and construction has not commenced. Nevertheless, due regard has been had to the relationship to these prospective houses.
- 5.42 Plot 1 in this application would face towards the southern boundary with this site. However, the front elevation would be some 13.5m from the shared southern boundary and existing boundary vegetation and tree cover is proposed to be retained. It would sit broadly due north of House 5 on development to the south. House 5 is a single storey bungalow with a wraparound garden. The separation distance between the front of Plot 1 and rear of House 5 on the adjacent scheme would be approximately 25m.
- 5.43 At this distance, and mindful of the intervening landscaping, the proposed house in this scheme would not cause unacceptable loss of privacy or overlooking of the plot to the south. In addition, being as the current application site is situated due north of this neighbour, there would be no material overshadowing or loss of light as a result of the buildings proposed.
- 5.44 There would be sufficient separation between the proposed new access drive and the rear boundary of House 5 on the Breaker's Yard scheme to ensure that vehicle movements would not cause undue noise or disturbance to this neighbour, particularly given the very limited number of movements which the scheme will generate. Existing and proposed vegetation would provide a further buffer.

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- 5.45 House 4 on the Breaker's Yard scheme is a two-storey chalet style house. It is situated in the north-east corner of that development and its boundary abuts that of Plot 2 as proposed in this application. House 4 is oriented at an angle in its plot, such that it presents an angled side elevation towards the application site.
- 5.46 The nearest proposed unit to House 4 is Plot 2. However, the flank wall of Plot 2 in the current application would be set back almost 11m from shared boundary with House 4, with existing extensive cypress hedging between the plots (c.10m high) proposed to be retained. Given the separation distance, orientation of House 4 and significant intervening landscaping, the proposed Plot 2 would not give rise to harmful amenity impacts on House 4.
- 5.47 In addition, the rear elevation of Plot 2 would sit broadly in line with the rear corner of House 4. Given this relationship, Plot 2 would not have any material impact on the outlook from this neighbouring unbuilt house. As Plot 2 is to the north of House 4, it would not cause any overshadowing effects.
- 5.48 As such, whilst the scheme to the south is as yet unimplemented, the above demonstrates that the proposals would prejudice or seriously detriment the amenity of the houses proposed on that scheme.

Kenilworth

- 5.49 Kenilworth is a detached two storey property fronting Holders Green Road. Its plot and rear garden adjoins part of the southern boundary of the application site
- 5.50 The position of the proposed houses is such that the nearest plot to Kenilworth (Plot 1) is over 20m from the rear boundary of Kenilworth at the closest point, and significantly further to the actual rear elevation. Due to this separation distance, and the fact that the relationship between these two houses would be at an oblique angle, Plot 1 would not cause overlooking or loss of privacy to this neighbour. The reduced, more recessive scale of Plot 1 also ensures that it would not appear dominant or overbearing in the outlook from Kenilworth.
- 5.51 The new access drive would run between the existing house and the boundary with Kenilworth. A verge of approximately 1-1.5m would be retained between the edge of the drive and the garden boundary of Kenilworth, allowing for planting and landscaping to provide an additional buffer. Given the very modest level of vehicular movements which would occur along the new drive, it would not cause undue noise or disturbance on the neighbour at Kenilworth and its garden.
- 5.52 Consequently, the proposals would not have an unacceptable detrimental impact on the amenity of the neighbour at Kenilworth.

Daisylea House (donor house)

- 5.53 Daisylea House is the donor property. It is a detached two storey chalet style property with front driveway and rear garden.

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- 5.54 The scheme has been designed so as to ensure that Daisylea House would retain a suitable rear garden, commensurate with its size and use as a family home. The retained garden for the house would be approximately 19m deep, ensuring that it retains adequate outdoor amenity.
- 5.55 Plot 1 would be situated to the rear of the retained garden of Daisylea House. The layout situates a single storey car barn between the new garden boundary and the flank wall of Plot 1. As a result, the mass of the flank wall of Plot 1 would be over 26.5m from the rear elevation of Daisylea House. This separation distance, combined with the reduced height and massing of this part of the building of Plot 1, ensures that the new dwelling would not appear overbearing upon Daisylea House or its rear garden. The new house would not infringe a 25 degree line taken from the rear ground floor windows of Daisylea House and, thus, would not cause unacceptable loss of light or overshadowing effects. There are no windows in the flank wall of Plot 1 which faces towards the retained garden of Daisylea House and as such there would not be any direct overlooking or material loss of privacy to the donor house.
- 5.56 The proposals would therefore ensure that the amenity of the donor house, Daisylea House, is maintained.

Summary

- 5.57 The discussion above demonstrates that the proposals would maintain a good standard of amenity for existing neighbouring occupiers. The layout, siting and scale of the proposed houses ensures that they would not cause overbearing or overshadowing effects upon neighbours, nor would there be a material loss of privacy due to window placement and separation distances. Given the limited additional vehicle movements and opportunities for landscaping, neighbouring properties would not be subject to unacceptable noise or disturbance. The scheme therefore complies with Policies GEN2, GEN4 and H4 in terms of amenity.

Providing high quality, sustainable accommodation

- 5.58 All the proposed homes comply with (or exceed) the relevant Nationally Described Space Standards and therefore provide adequate internal space for comfortable everyday living. Each of the houses would have generous plot size and good sized private rear garden, appropriate to the size of these family homes.
- 5.59 Internally, the homes have been designed to ensure that key habitable rooms and living spaces would have good levels of daylight and outlook, ensuring that they would offer future occupants good living conditions. Floor plans have been carefully considered to maximise usable space within rooms and provide convenient, functional room layouts for furniture, etc.
- 5.60 The proposed homes would therefore offer a high quality, comfortable living environment for future occupants, as required by Policy GEN2.

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Access and Parking

- 5.61 It is acknowledged that the site is within a semi-rural location. As such, opportunities to promote sustainable transport by walking, cycling and public transport are relatively limited and there will be a degree of reliance on private car. However, the villages of Great Bardfield and Stebbing are relatively nearby, as is the larger town of Great Dunmow and – taken together – these would provide residents with access to a full range of services and facilities in a relatively short car trip.
- 5.62 The locational situation has been accepted by the Council (and appeal Inspector's) in granting permission for recent nearby developments, none of which have raised an overriding objection on sustainability grounds or car reliance.
- 5.63 Given the neighbouring consents (which are a material consideration), the availability of a broad range of services and facilities a short drive from the site and the recognition in the NPPF that opportunities to promote sustainable travel will vary between urban and rural locations, the site is considered to be suitably accessible for the modest scale of development proposed.
- 5.64 The main vehicular access to the site is proposed from Holders Green Road, with a new access created. The design of the access is underpinned by a Technical Note from Capital Road Safety. This note includes the results of speed surveys which demonstrate that, at the point of the proposed access, vehicles are travelling at low speeds (17mph in a southbound direction approaching the site and 25mph in a northbound direction approaching the site).
- 5.65 As a result, the access has been designed with visibility splays of 21m and 33m respectively, both of which are achievable either within the site boundary or on land within the public highway. Consequently, the design of the access would not cause road safety risks and complies with the requirements of GEN1.
- 5.66 As a small-scale development, the number of additional movements generated by the proposed houses would be modest and can be easily accommodated through the proposed access and on surrounding roads. The development would not give rise to severe highway impacts or cause traffic congestion.
- 5.67 Internally, the development includes a turning head which will enable a fire appliance and/or refuse truck, or delivery lorries to access and turn within the site, so that it can enter and exit in forward gear. The layout therefore makes adequate provision for servicing of the new houses in a manner which would not prejudice safety or cause inconvenience on Holders Green Road.
- 5.68 The access arrangements to the development therefore comply Policy GEN1 and the development would not cause highway impacts which warrant withholding permission.
- 5.69 With respect to parking, a total of 12 dedicated parking spaces, with each plot having 2 parking spaces, plus space for an additional 2 cars within the proposed open car barns. In addition, 2 further visitor parking spaces are incorporated along the access road. The development therefore provides ample parking for residents and visitors; this ensures that there is no risk of overspill parking on Holders Green Road. This parking provision exceeds the parking standards

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in the Local Plan (which advise 3 spaces for a 4-bedroom house); however, this is considered appropriate given the location and the desire to avoid overspill parking.

- 5.70 Secure cycle storage for the houses (2 bicycles per house) would be provided on plot for each dwelling within the rear garden. The provision could be secured by condition if necessary.
- 5.71 There are therefore no adverse highway impacts and thus the scheme therefore complies fully with the requirements of Policy GEN1 and the relevant provisions of the NPPF.

Other considerations

Trees

- 5.72 The application is supported by an Arboricultural Survey and Impact Assessment by Arbtech.
- 5.73 Whilst the proposals would result in the loss of some trees in the rear gardens, these are typically domestic or ornamental fruit trees. Some Leyland Cypress hedgerows along the southern boundary would also be removed to facilitate access.
- 5.74 Overall, the trees which would be removed because of the proposals are of low value (Grade C or U) and none are visually important. Key boundary vegetation, including on the rear (east) and southern boundaries, and on the frontage with Holders Green Road would be retained, helping to maintain a verdant character suited to the semi-rural location of the site.
- 5.75 The AIA sets out the protection measures which would be implemented as part of the development to preserve the health of retained trees, including protective fencing, ground protection and areas of no-dig surfacing. These measures can be secured by condition.
- 5.76 The proposals would therefore retain the key arboricultural features of the site and the main landscape features and therefore comply with the requirements of Policy ENV3 of the Local Plan.

Ecology

- 5.77 The application is accompanied by an Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) carried out by Arbtech.
- 5.78 The PEA identifies that the site contains native hedgerows which are an important habitat but acknowledges that these hedgerows and tree lines will be retained. The other habitats within the site are *“common and widespread and have low ecological value.”* The report concludes that *“no impacts to any notable habitats are anticipated due to the small scale and distance of the proposed development from such habitats”*.
- 5.79 In terms of species, the only species identified as potentially impacted are hedgehogs, birds and bats. In respect of hedgehogs and birds, the PEA recommends precautionary working practices and habitat enhancement, including for example bird boxes.

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- 5.80 For bats, the PRA identified that outbuilding B1 had low value for roosting bats, and B2 and B3 had moderate potential. On this basis, follow up Emergence and Re-Entry Surveys (BERS) were undertaken as recommended. The results of these are summarised in the submitted BERS report; this confirms that during all surveys, no roosting bats were recorded, but occasional commuting and foraging passes were recorded in surrounding vegetation. The BERS report therefore concludes that bats are very unlikely to be roosting in the buildings to be demolished and, as such, there are no anticipated to be any impacts on bats as a result of the development.
- 5.81 The BERS report recommends installation of bat boxes within the site, and a low impact lighting strategy during and post development.
- 5.82 The working practices, mitigation and enhancement measures within the PEA/PRA and BERS report can be secured by condition.
- 5.83 Consequently, there are no ecological, habitat or biodiversity constraints which prevent development of the site and, subject to the mitigation and enhancement measures in the report, the proposals comply with Local Plan Policies GEN7, ENV7 and ENV8, and the relevant provisions of the NPPF.

Flooding and Drainage

- 5.84 The application is supported by a Flood Risk & Drainage Statement by GH Bullard.
- 5.85 The FRA identifies that the site is within Flood Zone 1 and is therefore at low risk of fluvial flooding. It is also at very low risk of surface water flooding (<0.1% AEP) and, due to ground conditions and elevation of the site above the nearest watercourses, it is very unlikely that the site is vulnerable to groundwater flooding. There are also no near reservoirs and therefore very low risk of flooding from infrastructure failure. The site is therefore at low or very low risk of flooding from all sources, and thus sequentially preferable in flood risk terms.
- 5.86 For surface water drainage, the Drainage Statement identifies that infiltration is not a viable option due to ground conditions. However, there is an existing watercourse at the rear of the property to which run-off from the site currently drains. The strategy for the development proposes to collect surface water from roofs and hardstandings in an attenuation tank under the new driveway, which would then be discharge via a bagged headwall outfall to the existing watercourse. Foul drainage would be by means of individual private treatment plants to each plot, with treated water similarly discharged to the watercourse.
- 5.87 The proposals therefore comply with the requirements of policy GEN3 in relation to Flood Protection and the use of SuDS, and the relevant policies of the NPPF.

6. CONCLUSION

- 6.1 This application seeks full planning permission for the erection of three new family homes on land to the rear of Daisylea House, Holders Green Road, Lindsell.
- 6.2 Although the site is outside of development limits and within countryside, it is set within a cluster of existing dwellings on Holders Green Road and is a domestic garden plot sandwiched between two recently consented residential developments to the immediate north and south. Whilst Policy S7 takes a strict protectionist approach to the countryside, it has been accepted by the Council and widely endorsed at appeals that this approach is not consistent with the NPPF, is outdated and the presumption in favour of sustainable development engaged. Given this context, and mindful that the Local Plan accepts (para 6.14) that sensitive, small-scale infilling in small groups of dwellings outside development limits can be acceptable, the proposals represent a form of infilling which is acceptable in principle. The proposals would be in keeping with the character of this cluster of dwellings, particularly given the consented developments either side, and would not result in physical or visual encroachment into the surrounding countryside landscape.
- 6.3 The proposals represent high-quality design, appropriate to the semi-rural setting of the site. Key boundary landscape features of the site can be retained to preserve the verdant character, and the layout, density and plots sizes reflect the generally spacious character and informal pattern of this cluster of detached properties. The scale, height and massing of the proposed properties ensures that they would not appear prominent or conspicuous in the backdrop of Holders Green Road, nor when viewed from surrounding countryside. The design and materials palette of the houses themselves appropriately reflects local vernacular. The new houses maintain generous separation distances with neighbouring properties, including existing houses and those being built (or to be built) on the two consented developments to the north and south. The proposals would not cause unneighbourly impacts in terms of overlooking, overbearing, loss of light or noise/disturbance.
- 6.4 The proposed access and driveway onto Holders Green Road have been appropriately designed, incorporating visibility splays which are suitable to measured speeds on the road. The internal layout incorporates a turning head to allow safe and efficient servicing and emergency access and parking provision has been designed to exceed local adopted standards, mindful of the semi-rural location and the desire to avoid overspill parking on rural roads.
- 6.5 The submitted reports demonstrate that there are no ecological or arboricultural issues which would prevent permission being granted.
- 6.6 Consequently, the proposals represent an infill development which is in line with the Local Plan, is appropriate within the surrounding cluster of dwellings and would not cause harm to the countryside. The scheme is of high-quality design which reflects local vernacular and the pattern of development in the area. The development would bring benefits by making a positive contribution to housing supply, and the benefits would clearly outweigh any perceived harm, particularly given the presumption in favour of sustainable development applies. Accordingly, it is respectfully requested that the application should be approved.