
Appeal Decision

Site visit made on 18 October, 2016

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22nd November, 2016

Appeal Ref: APP/Z1510/W/16/3154222

Pineside, Ashen Road, Ridgewell, Essex, CO9 4RP

- 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. Derek Mason, of D. Mason Developments Ltd. against the decision of Braintree District Council.
 - The application Ref 15/01588/FUL, dated 11 December, 2015, was refused by notice dated 8 June, 2016.
 - The development proposed is re-development of existing builder's yard with 4 houses.
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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, including the effect on the setting of the Conservation Area, and the effect on highways safety.

Reasons

The effect on the character and appearance of the area including the effect on the setting of the Conservation Area

3. Pineside is set on the edge of Ridgewell adjoining the countryside. The relatively large site is enclosed by a high naturalised hedge to its street frontage and high Leylandii hedges to the rear and part of the side boundary where it adjoins an open field. It contains a number of workmanlike buildings associated with its use as a builder's yard. The opposite side of Ashen Road at this point is characterised by pairs of modest houses set behind long front garden incorporating hardstandings or garage access and generally fronted by low walls, hedges or fences.
 4. The appeal proposal would consist of four dwellings set back to a consistent building line and facing Ashen Road across a shared access drive. It would include single garages set to the fore of the site adjoining the road frontage and linked by a wall. The proposal is evidently a considered one, designed to take account of particular site circumstances such as the culvert, and to create a coherent approach to the site.
 5. The appeal dwellings would be closely spaced, but not to a degree significantly greater than other properties along Ashen Road, and as the site backs on to
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- other domestic properties, glimpses of the open countryside would be, at best, distant. I do not therefore identify harm in that respect.
6. The houses would be fronted by large areas of hardstanding in the form of the shared access and individual parking areas. This designed space would not however have a significantly greater impact than other ad hoc division of front gardens or their entire use for parking, as can be seen in houses close to the site. However, the placing of the single garages to the front of the site, although achieving a more desirable outcome for the occupiers of the dwellings, is not a typical characteristic of the area, and would heighten their prominence in views of the site.
 7. The current naturalised hedgerow on the Ashen Road frontage of the site emphasises its edge-of-countryside location. The proposed boundary treatment of a relatively high wall, punctuated with the rear walls of the garages would provide a nearly continuous hard edge to the development. This combined with a grass verge and low level planting would create a considerably more urban appearance than is typical in the area, which would therefore be out of character with the area, and cause harm to the character of the site which sits in direct juxtaposition with open fields.
 8. The design of the scheme is unashamedly modern, picking up an asymmetrical design visible elsewhere in the area. However, the size, shape and massing of the asymmetrical roof slopes and the large side projections of the proposed dwellings would appear overly large in relation to other houses in the vicinity, and would contrast with their simple built forms. This would render the appeal dwellings an obtrusive element in the area and would heighten their urbanising effect in this rural location, to its harm.
 9. There would be a high number of windows and rooflights in the proposed dwellings, reflecting the number of storeys and of bedrooms. They would take a variety of shapes and sizes, while their layout would not be to any strong rhythm. This aspect of the design of the proposed dwellings would be in contrast to the generally simpler and more strongly rhythmic fenestration of buildings in the area, and would be a conspicuous element in it. Therefore, and particularly when viewed in tandem with the asymmetrical garages in foreground, the proposed dwellings would present an overly fussy face to the street, in contradistinction to the simpler and more regular forms of buildings in vicinity. For this reason also the proposal would harm the character and appearance of the area.
 10. The appeal site sits just outside the boundary of a conservation area and is visible in views into and out from the conservation area. As I have concluded that the proposal would be viewed as a conspicuous and uncharacteristic element in the area, I conclude also that it would cause some harm to these views. This is a factor to which the Framework requires me to give great weight.
 11. For these reasons, therefore, I conclude that the appeal proposal would, by creating a conspicuous urbanising element in the area, harm the character and appearance of the area, including the setting of the conservation area. It would therefore be in conflict with Policy RLP90 of the Braintree District Local Plan Review 2005 (the LP) which seeks designs which recognise and reflect local distinctiveness and with Policy CS9 of the Braintree District Council Local Plan Review Core Strategy 2011 which seeks design which responds to local

context, especially where it affects conservation areas. It would also conflict with the provisions of the Framework.

Effect on highway safety

12. While on site I noted some on-street parking in Ashen Road, which due to its limited width, effectively reduced it to a single lane. The nearby A1017 is a busy road with fast-moving traffic and has wide grassed verges and a number of green spaces, particularly Chapel Green and the area between Ashen Road and Meeting Lane.
13. The proposed dwellings would contain five bedrooms, and would be likely therefore to be occupied by large families. The proposed parking provision of a single garage and additional car parking space, with no visitor parking, would be likely to be insufficient therefore, for some households within the development, with potential for over-parking within the site, or displacement of parking to the adjoining area, particularly Ashen Road.
14. Using spaces within the appeal site for parking where they were not designed to do so would have the potential to put the safety of occupiers of the appeal dwellings at risk as cars manoeuvred within the site, while additional on-street parking outside the site would be likely to be generate congestion in Ashen Lane and cause harm to highway safety. On-street parking on the A1017 or the open spaces adjoining it would be likely to be harmful to highway safety through vehicles pulling out onto the road.
15. The garages themselves, although failing to meet the required standard, do however appear capable of accommodating a single car, while their increase in size would be undesirable for the reasons given above.
16. I conclude therefore that the appeal proposal would have an unacceptably harmful effect on highway safety by reason of inadequate parking provision, which would fail to meet the standards set out in the Supplementary Planning Document "Parking Standards Design and Good Practice" 2009.

Other Matters

17. I have considered the information provided regarding allocation of sites within the local plan, but as this is a brownfield site, and the principle of its conversion to residential use is not contested, I do not find that this has a bearing on my decision.
18. I note also that retaining the site in use as a builder's yard is the appellant's fall-back position. I note also that local residents have indicated that they would prefer the site to be converted to residential use rather than be retained as a builder's yard due to the noise and disturbance it generates. However, the principle of residential use is not at issue, but in the light of the harms I have identified above, I do not consider that this provides sufficient justification to allow the particular proposals which are the subject of the appeal.
19. The appellant has drawn my attention to Policy RLP35 of the LP regarding un-neighbourly uses. However, I do not take the use of the word "will" as an automatic green light for any proposal on a commercial or industrial site which causes disturbance to the occupiers of neighbouring dwellings – as with other planning decisions all material considerations would have to be taken into account, including in this case the harms I have identified above.

Conclusion

20. For the reasons given above, and taking into account matters raised, I conclude that the appeal should be dismissed.

S J Buckingham

INSPECTOR