The Planning Inspectorate

Appeal Decision

Site visit made on 20 December 2016

by Michael Boniface MSc MRTPI

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

Decision date: 6th January 2017

Appeal Ref: APP/Z1510/W/16/3158026
12 Mortimer Road, Hatfield Peverel, CM3 2ES

- 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 T Meredith against the decision of Braintree District Council.
- The application Ref 16/01123/FUL, dated 29 June 2016, was refused by notice dated 25 August 2016.
- The development proposed is a single storey dwelling and adjustment to crossover with parking on the frontage for number 12.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the character and appearance of the area; whether acceptable living conditions would be created for future occupants'; the effect on the living conditions of neighbouring occupants'; and whether adequate parking would be provided for the proposed dwelling.

Reasons

Character and appearance

3. The site comprises a two storey semi-detached dwelling fronting Mortimer Road, which presents a variety of house types and styles with a relatively spacious character created by the good amounts of space surrounding and between buildings. The proposed dwelling would be located in the rear garden of the property, fronting Bennett Way. Bennett Way is much less spacious, with its narrow roads and the absence of footpaths creating a far more enclosed and restricted environment that is distinct from the surrounding area.

4. Despite the narrow and constricted streets, the buildings in Bennett Close stand within relatively spacious plots with landscaped front gardens and regular spacing between the pairs of bungalows, which show a great deal of consistency in design. This uniformity of design and spacing has been slightly eroded by the introduction of infill development at either end of the cul-de-sac, but the building line and general arrangement of the street remain apparent.

5. The proposed development would introduce a bungalow within the long garden of the appeal property, amongst other long gardens that stretch back from properties fronting Mortimer Road. Whilst the site is already enclosed by a fence, the proposed building would become far more prominent and imposing

in the street. This is particularly so because of its proximity to the carriageway which means that little front garden would be created, distinctly at odds with the surrounding properties. The combination of the buildings siting on entering the cul-de-sac and the lack of space in front and around it would be harmful to the character and appearance of the street, disrupting its rhythm and the sense of spaciousness currently seen around neighbouring properties. This is notwithstanding that the density of development might be comparable with that found elsewhere in the vicinity.

6. The development would harm the character and appearance of the area. This would be in conflict with Policies RLP 3, RLP 9, RLP 10 and RLP 90 of the Braintree District Local Plan Review (2005) (LPR) which seek to protect the character of the area and ensure good design that reflects its context, including at densities that allow for the provision of necessary landscaping; and Policy CS9 of the Local Development Framework Core Strategy (2011) (CS) which has similar objectives to secure high quality design and protect local character and distinctiveness.

7. I have had regard to the appeal decision[1] referenced by the appellant. Whilst this deals with matters of character and appearance and finds the appeal proposal acceptable in that case I have not been provided with sufficient information to draw any direct comparison with the appeal proposal. Therefore, I have determined the appeal on its own merits.

Living conditions of future occupants'

8. The proposed development would include a garden area of 58sqm, in excess of the 50sqm required by the Essex Design Guide. Whilst I note that much of this is located at one end of the plot, I consider that the quantum of amenity space would be sufficient and usable for the occupants of a one bedroom bungalow. However, the garden area would be wholly overlooked by the first floor rear windows of the appeal property and its neighbour and no usable private amenity space would be available.

9. Furthermore, the narrow shape of the site, with the majority of garden space at one end means that the proposed building would stand very close to the rear boundary fence, severely restricting the outlook for future occupants from a number of the rear windows. Whilst all habitable rooms would be served by more than one window, the only aspect that would not be enclosed by a fence is to the front. These windows currently look over the narrow access road towards the rear garden of 14 Mortimer Road which, whilst currently relatively open, could easily be enclosed by a fence or landscaping in the in the future. Whilst I am satisfied that sufficient light would reach the property given the number and orientation of the windows, the quality of outlook from the property would be poor.

10. Overall, the failure to provide private amenity space or a reasonable outlook for future occupants leads me to conclude that the development would not achieve the high quality design and good standard of amenity required by the National Planning Policy Framework, as a core planning principle. The development would not provide adequate living conditions for future occupants. This would be in conflict with Policy RLP 3 of the LPR which seeks high quality design and

[1] APP/Z1510/W/15/3140037

appropriate levels of amenity; and Policy CS9 of the CS which seeks to achieve a good quality built environment and quality of life.

Neighbours' living conditions

11. The proposed building would be located close to the boundary with no 10 Bennett Way and would extend for the entire length of its garden. The scale and proximity of the building would become a dominating feature from the neighbour's rear garden and would create a harmful sense of enclosure to the currently open aspect beyond the existing fence line, harming the living conditions of the neighbouring occupants.

12. In this regard, the development would be in conflict with Policy RLP 3 of the LPR which seeks high quality design and appropriate levels of amenity; and Policy CS9 of the CS which seeks to achieve a good quality built environment and quality of life.

Parking

13. One parking space measuring 5.5m x 2.9m would be provided for the proposed development and the Council raises no objection in these respects. The narrow nature of Bennett Way means that the 6m space behind the parking bay normally required by the Council for manoeuvring would not be achieved. Whilst this is so, the Council has not explained what harm is expected to result. Having regard to the narrow nature of the road and the limited number of dwellings served, it seems to me that this quiet road would not generate high volumes of traffic and that any vehicles are likely to be moving slowly in this location. Should additional manoeuvring time be necessary to enter or exit the site, I do not consider that highway safety would be jeopardised in this instance.

14. As such, I find no material conflict with Policy RLP 10 of the LPR or the Essex Design Guide, both of which seek to ensure that parking and access standards are achieved.

Other matters

15. I have had regard to the presumption in favour of sustainable development contained within the National Planning Policy Framework but the proposal does not fulfil important social and environmental objectives and conflicts with the development plan. Under these circumstances, the proposal cannot be considered to represent sustainable development.

16. I recognise the contribution that would be made to local housing land supply but, even in the context of the Framework's objective to boost significantly the supply of housing, the limited contribution that would be made by a single dwelling does not outweigh the harm that I have identified.

Conclusion

17. Although sufficient parking would be provided, the development would harm the character and appearance of the area, would not provide suitable living conditions for future occupants and would harm the living conditions of neighbouring occupants. Whilst the development is unacceptable for each of these reasons individually, it is also clear from the number and nature of the

issues identified that the development would represent an overdevelopment of the site.

18. In light of the above, and having considered all other matters, the appeal is dismissed.

Michael Boniface

INSPECTOR