

Appeal Decision

Site visit made on 31 January 2017

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 9 February 2017

Appeal Ref: APP/Z1510/D/16/3162572

10 Boars Tye Road, Silver End, Witham CM8 3QA

- 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 David Todd against the decision of Braintree District Council.
 - The application Ref 16/01270/FUL, dated 4 July 2016, was refused by notice dated 16 September 2016.
 - The development proposed is a conservatory to the rear of the property.
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Decision

1. The appeal is allowed and planning permission is granted for a conservatory to the rear of the property at 10 Boars Tye Road, Silver End, Witham CM8 3QA in accordance with the terms of the application, Ref 16/01270/FUL, dated 4 July 2016.

Procedural Matter

2. The conservatory has been erected and I shall deal with the proposal on the basis that it is retrospective.

Main Issue

3. The main issue in the appeal is the effect of the proposal on the character and appearance of the area.

Reasons

4. Silver End was laid out as a planned village in the 1920s and 30s to house employees of the Crittall works. The Conservation Area covers the original part of the village which was planned in accordance with Garden Village principles. Along Temple Lane and Boars Tye Road there are semi-detached and detached houses of similar appearance which provide uniformity. Those houses back onto a sports ground. The appeal property is detached and of three bays with a central porch and a hipped roof.
5. The detached houses on Boars Tye Road were originally intended for occupation by managers and have individually designed elements. Those houses are identified in the Conservation Area Appraisal¹ as being of significance to the Conservation Area. As such they are non-designated heritage assets.

¹ Silver End Conservation Area Appraisal (2014)

6. An Article 4 Direction is in force which removes permitted development rights in respect of the front and side elevations of the houses but those rights still apply to the rear elevations. Thus whereas the front and side elevations are important in terms of the significance of the heritage assets the rear elevations are less so.
7. I saw on my visit that there are a number of rear conservatories which are visible above the rear boundary fences and hedges from the sports ground. Indeed along the part of Boars Tye Road adjoining the sports ground all but one of the houses have conservatories. The conservatory subject to this appeal is partially screened from view by the rear boundary hedge. I saw that there are others that are of comparable size both on Boars Tye Road and at 50 Temple Lane. Given the number of similarly sized conservatories on the adjoining parts of the roads the appellant's conservatory is not unduly prominent or out of character.
8. The Conservation Area Appraisal includes an assessment of the sports ground which considers important views and elements that detract from the character and appearance of the area. The appraisal does not mention views of the rear of adjacent houses as either being important or as a detractor. To the rear of the appellant's house is a full-width lean-to extension which is of modest depth. The conservatory is attached to the rear of the extension and occupies about 60% of the width of the house. While I note the County Council's Historic Buildings Consultant's concern about its size I find that at about 5.2m square it is not disproportionate in relation to the size of the house or its garden. Its siting, form and bulk are compatible with the original dwelling as required by saved policy RLP17 of The Local Plan².
9. The design and materials used in the conservatory bear little relation to the original house but because it is to the rear it has little effect on the architectural integrity of the building. Because the conservatory is attached to an extension it does not affect the original fabric of the house. The Conservation Guide³ advises that the design of extensions should respect the form and detailing of the existing houses but for the reasons given I find that the conservatory is not harmful to the non-designated heritage asset.
10. Furthermore given that there are already a number of similar conservatories in the immediate area which form part of its character and appearance and given that the conservatory is only partially visible from the rear I conclude that the proposal does not harm the character and appearance of the area. For the reasons given the character and appearance of the Conservation Area would be preserved. The proposal accords with policy CS9 of the Braintree Core Strategy (2011) and saved policy RLP95 of the Local Plan which have this requirement.
11. The proposal also accords with saved policy RLP90 of the Local Plan which requires that designs recognise and reflect local distinctiveness and are sensitive to local features of architectural and historic importance. The use of UPVC does not accord with the requirement of saved policy RLP95 for the use of authentic materials but for the reasons given the proposal accords with the policy requirements as a whole.

² Braintree District Local Plan Review (2005)

³ Braintree District Council Supplementary Planning Guidance Silver End Conservation Guide (1999)

Conclusions

12. The Council has indicated on the questionnaire that conditions should be imposed requiring the development to be in accordance with the approved plans and for the external materials to match the existing building. Because the conservatory has been built and because the Council has said that the brickwork used is acceptable such conditions would be unnecessary.
13. For the reasons given I conclude that the appeal should be allowed.

Nick Palmer

INSPECTOR