

## Appeal Decisions

Site visit made on 14 February 2017

**by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC**

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

**Decision date: 13<sup>th</sup> March 2017**

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### **Appeal A Ref: APP/Z1510/W/16/3162205**

#### **Land between 31 and 33 Greenfields, Gosfield CO9 1TR**

- 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 M Reid against the decision of Braintree District Council.
  - The application Ref 16/00721/FUL, dated 24 April 2016, was refused by notice dated 13 June 2016.
  - The development proposed is erection of a new dwelling.
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### **Appeal B Ref: APP/Z1510/W/16/3162206**

#### **Land between 31 and 33 Greenfields, Gosfield CO9 1TR**

- 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 M Reid against the decision of Braintree District Council.
  - The application Ref 16/01421/FUL, dated 15 August 2016, was refused by notice dated 11 October 2016.
  - The development proposed is erection of new dwelling.
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#### **Decision Appeal A**

1. The appeal is allowed and planning permission is granted for the erection of a new dwelling at land between 31 and 33 Greenfields, Gosfield CO9 1TR in accordance with the terms of the application, Ref 16/00721/FUL, dated 24 April 2016, subject to the conditions set out in Appendix 1 at the end of this decision.

#### **Decision Appeal B**

2. The appeal is allowed and planning permission is granted for the erection of a new dwelling at land between 31 and 33 Greenfields, Gosfield CO9 1TR in accordance with the terms of the application, Ref 16/01421/FUL, dated 15 August 2016, subject to conditions set out in Appendix 2 at the end of this decision.

#### **Main Issue**

3. The main issue with both appeals is the effect of the proposed development on the character and appearance of the area.

#### **Reasons**

4. Greenfields contains a mixture of detached and semi-detached properties that are predominantly one or one and a half storeys in height, with a few two storey houses. Plot and house widths, along with gaps between properties, vary considerably from narrow to generous. There is no obvious grouping of
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- properties in terms of size, form and architectural details, and thus the overall character and appearance of the area is mixed.
5. The proposed development in both appeal schemes would be narrow in width and would occupy a narrow plot, but would not be excessively narrower than other buildings and plots along Greenfields, including the neighbouring property at No 31. The gap between the proposed development in both appeal schemes and No 31 would be close but again not abnormal for the street, while a reasonable gap would be maintained to No 33 in both schemes. Thus, the footprint of the proposed development in both appeal schemes would be acceptable.
  6. The Appeal A scheme would utilise a pitched roof on the front elevation similar to the adjoining properties on either side, with an overall ridge height between the heights of Nos 31 and 33. The front dormer would reflect the dormers on the front of No 33 and other properties on Greenfields. The Appeal B scheme would present a gable end elevation to the road in contrast to its immediate neighbours, but gable end front elevations exist elsewhere on the road. Side dormers are not a common feature in existing properties, but the scale and siting of the two dormers proposed in the Appeal B scheme would not be overly prominent. Thus, in both appeal schemes, the design and form of the proposed development would not look particularly odd within the overall street scene.
  7. The appellant has provided an appeal decision for a single detached house allowed elsewhere in the district. I do not have full details of that decision, and in any case, I have determined these two appeal schemes on their own merits.
  8. Concluding on the main issue, the proposed development in either appeal scheme would have an acceptable effect on the character and appearance of the area. Therefore, both appeal schemes would accord with Policies RLP3 and RLP90 of the Braintree District Local Plan Review 2005 and Policy CS9 of the Braintree Core Strategy 2011. Amongst other things, these policies seek development that promotes and secures the highest standards of design and layout, protects the character of the existing street scene and reflects local distinctiveness in terms of matters such as scale, height and elevational design. The schemes would also meet with the aims of paragraph 64 of the National Planning Policy Framework (NPPF) in avoiding poor design.

### **Other Matters**

9. There is the possibility of overlooking between the proposed development in either appeal scheme and the neighbouring properties, particularly for No 33 where there is more space to the side of that property and an existing window in the roof on the flank elevation facing the appeal site. However, this can be addressed through obscure glazing of bathroom windows in both appeal schemes. The Appeal A scheme has a secondary bedroom window that would face towards No 31, which would also need to be obscured glazed.
10. There would be some change to the outlook for occupiers of the neighbouring properties. However, given the gap that would exist between the properties and the proposed development in both appeal schemes, and the overall scale of development in both schemes, there would be no unacceptable effects on outlook for occupiers of either neighbouring property.

11. At the time of my mid-morning site visit, there was little on-street parking, although I appreciate this could increase in the evenings and at weekends. However, most properties have at least one off-street parking space, with both appeal schemes providing two off-street spaces. Thus, the loss of one on-street parking space through the widening of the existing dropped kerb is unlikely to have a significant effect on parking provision locally. Finally, I note the absence of specific cycle parking in both appeal schemes, but consider sufficient space exists within the site to provide such parking.

### **Conditions**

12. Similar sets of conditions are imposed for both appeal schemes, with the only difference relating to the plans for each scheme. Conditions 1 and 2 setting a time limit for the commencement of development and for it to be carried out in accordance with the approved plans are necessary for clarity and compliance. Conditions 3, 4 and 5 are necessary to limit the effects of construction works on the living conditions of occupiers of neighbouring properties. Condition 3 is a pre-commencement condition to ensure that measures are agreed and incorporated into the construction process from the start. Conditions 6, 8 and 10 are necessary to ensure a satisfactory form of development including means of enclosure between properties. Condition 7 is necessary in the interests of privacy and Condition 9 in the interests of highway safety.

### **Conclusion**

13. The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites. Applying paragraphs 49 and 14 of the NPPF as a consequence, there are no adverse impacts arising from the proposed development in either appeal scheme that significantly and demonstrably outweigh the benefits of an additional dwelling, or any policies in the NPPF that indicate development should be restricted. Thus, the presumption in favour of sustainable development applies to both appeal schemes in terms of granting planning permission.
14. For the reasons given above, and having had regard to all other matters raised, I conclude that both appeals should be allowed.

*Tom Gilbert-Wooldridge*

INSPECTOR

### **Appendix 1: Schedule of Conditions for Appeal A**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01, 02, 03.1A, 04.1, 05.1, 06.1
- 3) Development shall not be commenced until a dust and mud control management scheme has been submitted to and approved in writing by the local planning authority and shall be adhered to throughout the site clearance and construction process.
- 4) No piling shall be undertaken on the site in connection with the construction of the development until a system of piling and resultant noise and vibration levels has been submitted to and agreed in writing by the Local Planning Authority and shall be adhered to throughout the construction process.
- 5) No burning of refuse, waste materials or vegetation shall be undertaken in connection with the site clearance or construction of the development.
- 6) No above ground construction works shall take place until samples of the materials to be used in the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and thereafter retained.
- 7) Prior to the first occupation of the development, the windows on the first floor side elevations facing 31 and 33 Greenfields shall have been fitted with obscured glazing. Once installed, the obscured glazing shall be retained thereafter.
- 8) Prior to the first occupation of the development, details of all gates, fences, walls or other means of enclosure shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the development and thereafter retained.
- 9) Prior to first occupation of the development, details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the development and thereafter retained.
- 10) Prior to first occupation of the development, details of the location and design of refuse and recycling bin storage areas, and details of any external lighting to the site, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the development and thereafter retained.

## **Appendix 2: Schedule of Conditions for Appeal B**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01, 02, 03.1B, 04.1A, 05.1A, 06.1A.
- 3) Development shall not be commenced until a dust and mud control management scheme has been submitted to and approved in writing by the local planning authority and shall be adhered to throughout the site clearance and construction process.
- 4) No piling shall be undertaken on the site in connection with the construction of the development until a system of piling and resultant noise and vibration levels has been submitted to and agreed in writing by the Local Planning Authority and shall be adhered to throughout the construction process.
- 5) No burning of refuse, waste materials or vegetation shall be undertaken in connection with the site clearance or construction of the development.
- 6) No above ground construction works shall take place until samples of the materials to be used in the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and thereafter retained.
- 7) Prior to the first occupation of the development, the windows on the first floor side elevations facing 31 and 33 Greenfields shall have been fitted with obscured glazing. Once installed, the obscured glazing shall be retained thereafter.
- 8) Prior to the first occupation of the development, details of all gates, fences, walls or other means of enclosure shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the development and thereafter retained.
- 9) Prior to first occupation of the development, details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the development and thereafter retained.
- 10) Prior to first occupation of the development, details of the location and design of refuse and recycling bin storage areas, and details of any external lighting to the site, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the development and thereafter retained.