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# Appeal Decision

Site visit made on 3 April 2017

**by Graham Chamberlain BA MSc MRTPI**

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

**Decision date: 19<sup>th</sup> April 2017**

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**Appeal Ref: APP/Z1510/W/16/3164376**

**1 Park Drive, Braintree, Essex CM7 1AP**

- 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 Ricky Jewitt against the decision of Braintree District Council.
  - The application Ref 16/01020/FUL, dated 8 June 2016, was refused by notice dated 3 August 2016.
  - The development proposed is a new dwelling.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

## Reasons

3. The appeal site encompasses a parcel of land located to the north of a terrace of houses. It forms part of the garden of 1 Park Drive but has been subdivided from the rest of this property by a close boarded fence. The terrace of houses to the south of the appeal site repeats the same house type and there is some composition to its appearance due to the standard width of the properties and the repetition of architectural features, including the fenestration and use of chimneys. The ridge heights also decrease with the fall of the land providing some articulation. Over time the terrace has been altered with different material finishes employed to the elevations and frontage parking added. The residential properties in both Park Drive and Challis Road exhibit a mixture of styles and there are large industrial units located to the east of the appeal site.
4. The appeal scheme would involve the erection of a two storey dwelling attached to the gable of 1 Park Drive. It would retain the same materials, ridge height and building line but would be notably narrower than 1 Park Drive with a different pattern of fenestration<sup>1</sup> that would give an incongruous solid to void ratio when viewed in the context of the existing terrace. The proposed dwelling would have smaller proportions as a response to the restricted width of the plot. This would result in it appearing uncharacteristically narrow and undersized relative to the rest of the terrace.

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<sup>1</sup> The appellant has provided an alternative design for the front elevation of the dwelling in his appeal statement but this drawing still proposes window openings that would be notably smaller than others in the terrace

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5. The appeal scheme would also erode the space to the side of 1 Park Road, which, to a lesser extent, would compound the cramped appearance of the proposal regardless of whether the site is enclosed by a fence at a later date. Consequently, the proposed dwelling would have a discordant presence in the street scene and would give the impression it was squeezed into the appeal site rather than being a natural and harmonious infilling.
6. The diminutive scale of the dwelling relative to the rest of the terrace would be visible from a number of vantage points given the site's prominent location at the junction between Challis Lane and Park Drive. The contrasting use of material finishes currently evident in the existing terrace would not mitigate for the limitations that would be evident in the jarring width of the proposed dwelling when viewed in the context of the terrace it would extend. Thus, the proposed dwelling would harm the character and appearance of the area.
7. In reaching this view I note that the proposal would make a more efficient use of land but it would do so in a way that harms the visual amenity of the area. Consequently, the proposal would not optimise the use of the appeal site. Thus, this is not a determinative matter in favour of the proposal. The appellant has also referred to a number of approved housing developments which are apparently similar to the appeal scheme. However, the full details behind these approvals are not before me. In any event, they appear to have wider frontages and are some distance from the appeal site. As such, I cannot afford these other examples weight as matters in favour of the appeal scheme.
8. My attention has been drawn to a two storey side extension approved at the appeal site. The extension would have the appearance of a subservient addition and would not appear discordant or cramped, unlike the appeal scheme. As such, the approved extension is not a material consideration of sufficient force that justifies the proposal.
9. I therefore conclude that the proposal would harm the character and appearance of the area. This places it at odds with saved Policies RLP 9, 10 and 90 of the Braintree District Local Plan, which together seek to ensure developments create a visually satisfactory environment, respond to the characteristics of the site and exhibit a high standard of layout and design. These policies are consistent with Paragraphs 17, 58 and 64 of the National Planning Policy Framework. The Policies of the emerging Local Plan are not at a stage of preparation where they can be afforded meaningful weight.

### **Planning Balance and Conclusion**

*Whether, in a planning balance, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits*

10. The Council are currently unable to demonstrate a five year housing land supply rendering the relevant policies in the development plan that relate to the supply of housing as out of date. In such circumstances Paragraph 14 of the Framework is engaged. This directs that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The Council have applied this balance and have not referred to any specific policies in the Framework that indicate planning permission should be restricted in the context of applying Paragraph 14 of the Framework.

11. Saved Policies RLP9, RLP10 and RLP90 of the LP can have the effect of restricting housing development and are thus policies relating to the supply of housing. As such, they are out of date. Nevertheless, I have still afforded them significant weight due to their consistency with the Framework, which places great importance on good design. Moreover, their focus is not on establishing the scale and location of housing. Instead, their main purpose is ensuring housing developments are of an appropriate quality, which is an important aim in achieving sustainable development.
12. The appeal scheme would harm the character and appearance of the area and this would be contrary to the relevant policies in the LP to which I have afforded significant weight. The proposal would also be contrary to the design policies of the Framework. The conflict with national and local policy, and the adverse impacts that would arise from this, carry significant weight.
13. The appeal scheme would have a number of benefits. It would deliver additional housing in a location accessible to everyday services and facilities. This would assist the current shortfall in housing land supply, which is understood to be 4.2 years. The proposal would also assist in delivering additional housing choice and make a more efficient use of land. The construction of the proposed dwellings would provide some economic benefits to the construction industry but these would be moderate in scale and for a limited time. Given the scale of the development the contribution to the local economy from the spending power of future occupants is unlikely to be significant. Consequently, given the small scale of the proposal the cumulative benefits of the proposal carry only limited weight.
14. I therefore conclude that the appeal scheme would have adverse impacts that would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole. Consequently, the proposal would not amount to sustainable development for which the Framework carries a presumption in favour.

*Overall conclusion*

15. I have concluded that the proposal would harm the character and appearance of the area placing it in conflict with the development plan as a whole and the Framework. The adverse impacts I have identified would significantly and demonstrably outweigh the limited benefits of the appeal scheme. As such, the proposal is not sustainable development. For this reason, and the reasons given above and having regard to all other matters raised, including the submissions of interested parties, I conclude the appeal should be dismissed.

*Graham Chamberlain*  
INSPECTOR