
Appeal Decision

Site visit made on 21 June 2017

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

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

Decision date: 13th July 2017

Appeal Ref: APP/Z1510/W/17/3172710
13 Dorothy Sayers Drive, Witham CM8 2LZ

- 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 J. Whitford against the decision of Braintree District Council.
 - The application Ref 16/02060/FUL, dated 1 December 2016, was refused by notice dated 31 January 2017.
 - The development proposed is the construction of a new 2 storey 2 bedroom house attached to the existing.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form refers to drawing nos. 1623/01 and 1623/02 (dated 16 August 2016), which show a detached dwelling on the site contrary to the development description. However, the plans submitted with the appeal are drawing nos. 1623/01 Rev A and 1623/02 Rev A (dated 30 November 2016). These both show a new dwelling attached to 13 Dorothy Sayers Drive. For the avoidance of doubt and in view of the fact that the application appears to have been consulted upon and determined in accordance with the revised plans, I have determined the appeal on the basis of those revised plans.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area
 - the living conditions for future occupiers, with specific regard to amenity space.

Reasons

Character and appearance

4. The estate was originally designed without garden fences or walls abutting the highway, giving it a verdant and open plan character. The appeal site is a prominent corner plot and retains an open plan front and side garden, giving it a spacious appearance. This part of the road is also characterised by the staggered building line between the 2 pairs of semi-detached dwellings at nos. 7 to 13 Dorothy Sayers Drive, which follows the gently curving bend in the highway (and which helps to reinforce the sense of spaciousness). It is also

characterised by the appearance and rhythm of nos. 7 to 13, which when constructed, were of the same architectural design.

5. The proposal has been designed to mimic the front elevation of no. 13. However, despite being constructed of similar materials to no. 13, the proposed dwelling would be slightly wider, appearing out of scale and harmony with the regular front elevation width and rhythm of the existing.
6. The proposed dwelling has been stepped back from the front elevation of no. 13 to continue the staggered building line. However, the building and its associated boundary fencing would heavily encroach into the open garden area to the side of no. 13 and significantly reduce the sense of spaciousness associated with this corner plot. It would also necessitate the provision of a parking area to the front of no. 13 for two cars, further reducing the amount of soft landscaping which helps to define the character of the area.
7. I therefore conclude that the layout and position of the proposed dwelling would be harmful to the character and appearance of the area. The proposal would not comply with Policy CS9 of the Braintree District Council Core Strategy (the Core Strategy) and Policies RLP 3 and RLP 90 of the Braintree District Local Plan Review (the Local Plan) which seek, among other things, to protect the character of an area and ensure high quality design.

Living conditions

8. I have no evidence to suggest that the proposal does not meet the requirements of the Essex Design Guide in terms of amount of amenity space. Although the rear garden may be smaller than some other plots in the area, the amount of space would be sufficient for a dwelling of this scale and not harmful to the character of the area.
9. The rear garden to the proposed dwelling would be capable of being overlooked by two first and second floor side elevation windows from the adjacent flats. However, given the modest size of these windows and because this relationship already exists with the garden to no. 13, the extent of this overlooking would not be unduly harmful.
10. I therefore conclude that the proposal would provide acceptable living conditions for future occupiers, with specific regard to amenity space. It would comply with Policy CS9 of the Core Strategy and Policies RLP 3 and RLP 90 of the Local Plan, which seek, among other things, to ensure an acceptable standard of private amenity space for dwellings as a result of a high quality of layout for new developments.

Other matters

11. There is some dispute between the parties as to whether the land in question could be encompassed by a one metre fence without the need for planning permission. On the basis of the evidence before me, it appears that a condition attached to the original planning permission would prevent this. Even if that was not so, there would be a considerable difference in impact upon character between the presence of a one metre high fence and a 2 storey dwelling. I do not consider that the former would set any kind of precedent for the latter.
12. I note the Appellant's apparent frustration regarding pre-application discussions. This is, however, a matter between the parties.

Conclusion

13. I have found that the appeal proposal would provide acceptable living conditions for future occupiers, with specific regard to amenity space. This does not, however, outweigh the harm that I have found to the character and appearance of the area. The appeal proposal would conflict with the development plan when taken as a whole and I conclude, having had regard to all other matters raised, that the appeal should be dismissed.

Robert Fallon

INSPECTOR