
Appeal Decision

Site visit made on 8 August 2017

by R Norman BA (Hons) MA MRTPI

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

Decision date: 06 September 2017

Appeal Ref: APP/Z1510/W/17/3176049

Land Adjacent to 5, Church Road, Hatfield Peverel CM3 2LA

- 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 Miss Harriet Munday against the decision of Braintree District Council.
 - The application Ref 17/00403/FUL, dated 6 March 2017, was refused by notice dated 2 May 2017.
 - The development proposed is a detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a detached dwelling at Land Adjacent to 5, Church Road, Hatfield Peverel, CM3 2LA in accordance with the terms of the application, Ref 17/00403/FUL, dated 6 March 2017, subject to the conditions in the attached schedule.

Preliminary Matter

2. Since the Council determined the application the Emerging Draft Local Plan has been approved as a Publication Draft and is out for consultation. As such, no policies referred to in the Council's decision have been superseded and I have considered the appeal on the basis of the current status of the relevant development plan documents.

Main Issues

3. The main issues are the effect of the development on:
 - The character and appearance of the surrounding area; and
 - The living conditions of neighbouring occupiers.

Reasons

Character and Appearance

4. The site is located to the rear of existing dwellings, which front onto Church Road. The immediate area is mixed in character with bungalows and 2 storey dwellings present on this side of the road and a more uniform appearance on the opposite side. Immediately adjacent to the site access is a bungalow and a pair of semi-detached 2-storey dwellings. The development would introduce one dwelling into this site with use of the existing access and parking to the front.

5. The introduction of a dwelling into this location, whilst being a backland site, would not be incongruous with the character and appearance of the surrounding area. The presence of the dwellings on St Andrews Road and the newer dwelling to the rear of The Police House result in the site being adjacent to residential dwellings on all sides. Although St Andrews Road and Church Road to the south are more uniform in character and appearance, the immediate area around the site hosts a variety of dwelling scales and appearances and therefore a dwelling on this side of the road in this location would not appear out of character.
6. The proposed dwelling would be a bungalow in appearance with a bedroom in the roof served by rooflights. There are a number of existing bungalows surrounding the site and as such the scale and appearance of the development would not be out of keeping with its surroundings. I note that the gable projection to the front would be positioned within the narrower part of the site, and therefore when viewed from the public realm this gable would be visible, however the width of the access and the modest design of the gable, coupled with the variety in dwelling designs in the immediate vicinity, would ensure that the dwelling would not have an adverse impact on the visual amenities of this part of Church Road.
7. The development would therefore accord with Policies RLP3, RLP9, RLP10 and RLP90 of the Braintree District Local Plan Review (2005) which seek to ensure that residential development should protect the existing character and create a visually satisfactory environment. It would also accord with Policy CS9 of the Braintree District Council Local Development Framework Core Strategy (2011) and the aims of Essex Design Guide which require development to secure the highest possible standards of design and layout.

Living Conditions

8. The site is located adjacent to the rear gardens of the adjoining dwellings. The side boundary of the site with No 3a is currently relatively open with low level trellis fencing and planting. The proposed dwelling would run alongside part of the rear garden of No 3a. However, whilst the existing boundary between the site and neighbouring garden is low level, any overbearing effects could be mitigated by appropriate boundary treatments. Furthermore, the dwelling would not run the entirety of the garden of No 3a and the scale, design, height and fenestration of the dwelling and proximity to the boundary would not result in a large, overbearing development and would not result in a harmful sense of enclosure at any of the adjoining dwellings.
9. As such, the development would comply with Policy RLP90 of the Braintree District Local Plan Review which requires new development to avoid undue or unacceptable impacts on nearby residents.

Other Matters

10. I note that the Appellant and Council advise that there is not currently a 5 year housing land supply. However, one dwelling would make a limited contribution to the 5 year housing land supply and regardless of this, the development would be acceptable for the reasons outlined above.

Conditions

11. The Council have requested a number of conditions which I have considered against the Planning Practice Guidance. In addition to the standard time limit condition I have attached a condition listing the approved plans for clarity. A condition for the external materials is necessary in the interests of the appearance of the surrounding area. Conditions in relation to boundary treatments, timing of construction work, piling and dust and mud management are necessary to protect the living conditions of adjoining residents. A condition for the surfacing of the driveway is necessary in the interests of highways safety.
12. A landscaping condition is not necessary for a development of this scale as future occupants will landscape to their own requirements. Removal of permitted development is only required in exceptional circumstances. None have been identified in this instance to warrant the inclusion of a condition in that regard.

Conclusion

13. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be allowed.

R Norman

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with Drawing No 16/97/01
- 3) No above ground development shall commence until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority. The development shall only be implemented in accordance with the approved details.
- 4) Prior to their installation, details of all gates / fences / walls or other means of enclosure shall be submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the screen walls/fences. The gates/ fences/ walls as approved shall be provided prior to the occupation of the building hereby approved and shall be permanently maintained as such.
- 5) No site clearance, demolition or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following times;
 - Monday to Friday 0800 hours – 1800 hours;
 - Saturday 0800 hours – 1300 hours;
 - Sundays, Public and Bank Holidays – no work.
- 6) No piling shall be undertaken on the site in connection with 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.
- 7) 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.
- 8) No burning of refuse, waste materials or vegetation shall be undertaken in connection with the site clearance or construction of the development.
- 9) No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.