



Appeal Decision

Site visit made on 20 October 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 1st December 2017

Appeal Ref: APP/Z1510/W/17/3180645

Budleigh Cottage, Hall Road, Panfield, CM7 5AW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr David Scarlett against the decision of Braintree District Council.
 - The application Ref 16/02074/OUT, dated 5 December 2016, was refused by notice dated 31 January 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 Budleigh Cottage, Hall Road, Panfield, CM7 5AW in accordance with the terms of the application, Ref 16/02074/OUT, dated 5 December 2016, subject to the conditions in Annex A.

Procedural Matter

2. The application was submitted in outline, with access being the only matter submitted for consideration. All other matters are reserved for future consideration. The appeal is considered on this basis and the information shown on the plans relating to layout and appearance is treated as purely indicative.

Main Issues

3. The main issues are (a) the effect of the provision of a dwelling on the character and appearance of the area and (b) whether the site is appropriate for infill housing.

Reasons

Character and appearance

4. The site is currently part of the garden of the existing dwelling Budleigh Cottage. The site would sit between the existing dwelling and Vanburgh both of which front onto Hall Road. Hall Road is to the south side of Panfield and is close to the larger town of Braintree. The Panfield Village Design Statement (VDS) describes Hall Road as a loop to the south of the village. It also refers to the amount of built development along this road and the importance of the open land between the village envelope and Hall Road. Hall Road itself is described as containing many types of properties, mainly detached, which contribute to its character.

5. The indicative plans demonstrate that a detached dwelling could be accommodated on the site of a similar depth and scale to those around it. I appreciate that the subdivision would create two plots that would be narrower than the existing one. However, I am mindful that the plot width and depth along Hall Road does vary. Within the current street scene a carefully designed and sited dwelling would sit comfortably between the existing dwellings. Therefore, whilst a dwelling on the site would represent a change it would not be significant.
6. I therefore conclude that the proposal would not harm the character and appearance of the area. It would not be in conflict with policies RLP90 of the Braintree District Local Review (BDLPR) and CS9 of the Core Strategy (CS) which amongst other things seeks a high standard of new development that reflects or enhances local distinctiveness.

Location of the site

7. Policy RLP2 of the BDLPR confines new development to areas within town boundaries and village envelopes. It is accepted by the appellant that the site lies outside the defined settlement boundary of the village of Panfield and therefore is in open countryside where new development is strictly controlled. Policy RLP16 provides for exceptions to such control in certain circumstances to allow for the filling of a gap between existing dwellings in hamlets and small groups of dwellings.
8. The Council and third parties have drawn my attention to a previous appeal decision for the property known as 'Kyra'¹. In that case the Inspector found that the scheme would require the removal of part of the existing dwelling and its garage in order to create a gap and would consolidate the existing ribbon of development. By contrast the appeal site would not require a gap to be created. The gap exists between the two existing dwellings and the provision of a new dwelling in this location would, in my view, represent the filling of a gap. It would be part of the ribbon of development rather than a 'defined nucleus' of dwellings as set out in policy RLP16. Therefore there would be some conflict with RLP2 due to location and with RLP16.
9. The closest settlements to the site are Panfield and Braintree. The bus stop in Kynaston Road is also accessible from the site. Nevertheless, even if the services within Panfield or Braintree could be accessed on foot or by bike, it is likely that to undertake day to day activities and meet day to day needs, such as shopping and employment, the occupants of the new dwelling would rely on the private car for the majority of trips. That said the site would be as accessible to services as other dwellings close to it along Hall Road. Therefore, whilst the location of the site is not a significant benefit in transport terms it is not wholly without advantages.
10. The Council has confirmed that it is currently unable to demonstrate a five year supply of housing. I have no reason to disagree. Therefore paragraphs 49 and 14 of the National Planning Policy Framework (the Framework) are engaged and the relevant policies for the supply of housing should not be considered up to date. Within this context the provision of a single additional dwelling would weigh in favour of the proposal. Furthermore the provision of a dwelling would not lead to significant or demonstrable harm to the character and appearance

¹ APP/Z1510/A/13/2200274

of the area when assessed against policies, including BDLPR policy RLP9, CS9 of the CS and the policies of the Framework. In light of this, and the benefits of the proposal in providing an additional dwelling to offset the Council's lack of a five year housing land supply, I consider that the conflict with BDLPR policies RLP2 and RLP 16 and CS policy CS5, due to the sites location, would be outweighed by other considerations. I therefore conclude that overall the site would be suitable for housing.

Other matters

11. Whilst not within the reasons for refusal I have carefully considered the other issues raised by interested parties. In particular issues relating to cycle storage, light and privacy, lack of parking and the creation of a precedent if the scheme went ahead. The application is in outline form. The matters of cycle parking, relationship to near neighbours and parking would be dealt with by the detailed submissions under layout and appearance. Nevertheless, based on the indicative submissions there is nothing that would lead me to conclude that these issues could not be satisfactorily addressed at that stage. On the matter of precedent my conclusions in this case are based on the site specific circumstances and nothing in this decision would prevent the Council resisting unacceptable development elsewhere.

Conditions

12. The Council has suggested a number of conditions which it considers would be appropriate were I minded to allow the appeal. I have considered these in light of the Framework and Planning Practice Guidance and for clarity some of the proposed wording is amended. Conditions are necessary that relate to the standard time limits and submission of reserved matters. Conditions would also be necessary to ensure that the access is properly laid out and constructed. To protect the living conditions of existing occupiers a condition to control the hours of construction would be necessary and reasonable in this case.
13. The Council has suggested a materials condition. However appearance is a reserved matter and therefore this is not necessary at this stage.

Conclusion

14. Having had regard to all other matters raised I therefore conclude that the appeal should be allowed.

D J Board

INSPECTOR

Annex A – Conditions

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 2) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Nos 2016-808-001, 2016-808-BP01 and 2016-808-BP02 but only in respect of those matters not reserved for later approval.
- 5) Prior to the first occupation of the proposed dwelling, the proposed vehicular access shall be constructed to a width of 5.5m for the existing dwelling and 3.7m for the dwelling hereby approved and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.
- 6) No unbound materials shall be used in the surface treatment of the proposed vehicular access.
- 7) The proposed vehicular hardstandings/car parking spaces shall be constructed to minimum dimensions of 6.0m x 3.0m.
- 8) Any garage provided with a door facing the highway, shall be sited a minimum of 6m from the highway boundary.
- 9) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials; and
 - iii. delivery, demolition and construction working hours.
 - iv. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 10) Prior to the proposed access being brought into use the applicant shall provide a 2.0m wide parallel band visibility splay across the entire sites frontage to Hall Road which shall be maintained free from obstruction clear to ground in perpetuity.