



Appeal Decision

Site visit made on 12 December 2017

by R A Exton Dip URP MRTPI

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

Decision date: 11th January 2018

Appeal Ref: APP/Z1510/W/3180333

Creedy House, Parkfield and Nightingale House, Bradford Street, Braintree CM7 9AS

- 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 Imperial Quality Homes Ltd against the decision of Braintree District Council.
 - The application Ref 16/02167/FUL, dated 21 December 2016, was refused by notice dated 21 June 2017.
 - The development proposed is described as demolition of the three residential dwelling houses Creedy House, Nightingale House and Parkfield and erection of seven residential dwelling houses.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on: i) the living conditions of future occupiers of the proposal, with particular regard to the quality of internal accommodation and the quality of external space; and, ii) the character and appearance of the Braintree Conservation Area ('the BCA') and the setting of nearby listed buildings.

Reasons

Living conditions

3. All of the dwellings within the proposal would have a basement level. This would occupy a significant proportion and, in some cases, the whole footprint of the dwelling. The basements would consist of multiple rooms within each dwelling, some of a significant size and therefore suitable for habitation. Many of the rooms would have no windows, giving rise to a poor standard of living accommodation for future occupiers. Where windows and external doors occur at basement level, these would face onto sunken courtyards. Whilst these would provide some natural light it would be of a limited nature due to the sunken level and size of openings relative to the rooms that they would serve.
4. I note the appellant's contention that the proposed dwellings are not reliant on the basement levels to provide their intended level of accommodation and that they will provide flexible living options. However, there is limited information before me, and in particular an absence of room annotation, to justify this.

5. I consider that the provision of such a significant amount of the floor space of each dwelling within a basement with no, or limited natural light, would create an unacceptable standard of living accommodation for future occupiers. Consequently, I conclude that of the policies drawn to my attention, the proposal would conflict with Policy RLP 90 of the Braintree District Local Plan Review adopted in 2005 ('the Local Plan'). This seeks a high standard of design in all developments. It would also conflict with the National Planning Policy Framework ('the Framework') insofar as it requires a good standard of amenity for all future occupiers of buildings.
6. Garden areas to plots 2 and 3 fall short of the 100m² required by the Essex Design Guide adopted in 2005 ('the EDG'). There is disagreement between the main parties as to whether the sunken courtyards should be included within the calculated area.
7. I agree that the sunken courtyards would be of limited use as private amenity space. However, even if their area is not taken into account, the remaining garden areas for Plots 2 and 3 provide meaningful spaces. They are likely to provide a sufficient area, relative to the size of the proposed dwellings, for future occupiers needs. Consequently, whilst they fall short of the standards contained in the EDG, I consider that this would not cause harm to the living conditions of future occupiers in respect of the quality of external space. However, this does not overcome the harm I have found in respect of the internal accommodation.

Effect on BCA and listed buildings.

8. The part of the BCA in which the appeal proposal would be mainly viewed is characterised by rows of development of varying length and detached properties lining either side of Bradford Road. Individual properties within this context display significant variation in their external appearances. This arises from their differing siting, design, scale and use of materials. Bradford Road has a gradual slope downwards towards the north in front of the appeal site which emphasises the differing heights of properties.
9. The three existing properties forming the appeal site contrast with the general character and appearance of the area. They are much more modern in comparison to most nearby properties and are set slightly further back from the road. Their design and external materials form an obvious contrast with the more historic development nearby. Due to these differences I consider that they do not preserve the character and appearance of the BCA.
10. Plots 1-3 in the proposal would form a terrace across the sites frontage to Bradford Street. Plots 1 and 2 would have a level ridge line but the ridgeline to Plot 3 would step up slightly. Plot 3 would also have 2 dormer windows within its roof slope facing Bradford Street. Taking into account the variation in height and external appearance of existing properties facing Bradford Street, I consider that the variation in appearance between Plots 1-2 and 3 would not appear out of character with this but would be appropriate within its context. It would therefore preserve the character and appearance of the BCA.
11. The Council is concerned that the dormer windows to the rear elevation of Plot 3 would encourage a proliferation of applications for further dormers. There is insufficient evidence before me to demonstrate that this is the case or that such development would be harmful.

12. Due to the set back siting of Plots 1-4 there would be an area of hardstanding between the back edge of the footpath on Bradford Street and the front elevations of these dwellings. I agree that due to the prominence of this area within the street scene, its treatment could have a significant effect on the character and appearance of the BCA. However, if I were minded to allow the appeal, an appropriately worded condition could be imposed to require details of the treatment of this area. This would enable to Council to assess its effects on the character and appearance of the BCA.
13. Plots 5-7 would form a terrace sited towards the rear of the site and would be served by a new access off Bradford Street, in between frontage Plots 3 and 4. The ridgelines of the dwellings on Plots 5-7 would be lower than those of the proposed frontage plots. There would be a limited view from Bradford Street, along the new access, of Plots 6 and 7. This would be filtered to an extent by the proposed landscaping. In light of these factors I consider that Plots 5-7 would not appear dominant within the BCA. Consequently, its character and appearance would be preserved.
14. No 4 Bradford Street, Courtauld House, is a grade II* listed building. Whilst other listed buildings nearby are referred to by the main parties I have limited information on their characteristics.
15. Plot 1 would be the closest part of the proposal to Courtauld House. Its ridgeline would be lower than Courtauld House and it would be sited slightly inset from the shared northern boundary. The proposed siting of Plot 1 and the width of the driveway serving Courtauld House off Bradford Street would provide a generous separation distance between the two properties. This would allow for views of many of the distinctive features of Courtauld House referred to in its listing description. In light of this, I consider that there would be no adverse effect on the setting of this listed building. Other listed buildings that I am able to identify are sited further away from the proposal. Any effect on their setting would therefore be limited and not harmful.
16. In light of the above I conclude that overall, the proposal would preserve the character and appearance of the BCA and the setting of nearby listed buildings. Of the policies drawn to my attention, the proposal would comply with Policy CS9 of the Braintree District Local Development Framework Core Strategy adopted in 2011 and Policies RLP 90 bullet iv, RLP 95 and RLP 96 of the Local Plan. These seek a high standard of design and layout with particular regard to the preservation or enhancement of conservation areas. It would also comply with the Framework insofar as it relates to the desirability of sustaining and enhancing heritage assets.

Other matters

17. The Council acknowledges that it cannot currently demonstrate a 5 year supply of housing land. Consequently, the provisions of paragraph 14 of the Framework are triggered. This requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
18. I note the contribution the proposal would make to boosting the supply of housing within the district and the short term benefits to the economy during the construction phase. However, the harmful effect of the proposal on living

conditions of future occupiers would significantly and demonstrably outweigh this benefit.

19. I note interested parties concerns, including those relating to loss of privacy, traffic generation and disturbance from vehicles and the construction process. However, given my conclusion it is not necessary for me to consider these matters further.
20. The Council consider that the proposal would also conflict with a number of policies within the Braintree District Publication Draft Local Plan. As these policies are unexamined, un-adopted and I have limited information on the extent of any unresolved objections, I can afford them only limited weight.

Conclusion

21. Whilst I find that the proposal would preserve the character and appearance of the BCA and not adversely affect the setting of nearby listed buildings, this does not outweigh the harm to living conditions of future occupants of the proposal. This, and the consequent conflict with policy justifies the refusal of planning permission.
22. For the reasons given above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Richard Exton

INSPECTOR