



Appeal Decision

Site visit made on 30 April 2019

by G Jenkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2019

Appeal Ref: APP/Z1510/W/19/3222471

10 Broadoaks Crescent, Braintree, Essex CM7 9FD

- 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 & Mrs Bivol against the decision of Braintree District Council
 - The application Ref 18/01664/FUL, dated 13 September 2018, was refused by notice dated 23 November 2018.
 - The development proposed is electric entry gate and wall to front boundary abutting access route.
-

Decision

1. The appeal is allowed and planning permission is granted for electric entry gate and wall to front boundary abutting access route at 10 Broadoaks Crescent, Braintree, Essex CM7 9FD, in accordance with the terms of the application Ref 18/01664/FUL dated 13 September 2018 subject to the following 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 the approved drawings: 18040901/4 and 18040901/8.
 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing buildings and retained thereafter.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area and upon the living conditions of the occupiers of 12 Broadoaks Crescent with particular regard to outlook and noise.

Reasons

Character and Appearance

3. The site is situated within the residential estate at Marks Farm to the east of Braintree. The site is a corner plot at the end of the cul-de-sac of 5 detached dwellings. The surrounding area is predominantly residential, with mature gardens and landscaping. The access to the site consists of a narrow private road. The appeal site is located immediately adjacent to the busy Coggeshall Road. However, dense hedgerows screen the property and therefore the road is

not visible from the appeal site. The site has a large open driveway and parking area in front of the property. The appeal dwelling is a very large dwelling that fills the width of the plot. It has some unique features in design terms and is somewhat of an anomaly within the street scene. I understand the property has been extended to accommodate a residential annexe.

4. The property is located at the very end of a private driveway and is well screened by hedgerows. The property itself differs in appearance from the majority of residential dwellings in the area, in terms of design and materials. As such the appeal site exhibits a different character and appearance to the rest of the area.
5. It is understood that the estate was originally designed without garden fences or walls abutting the highway, giving it a verdant and open plan character. This is evident along the main parts of Broadoaks Crescent where the driveways are open with low hedging and landscaping to the front of properties.
6. However, the large open area of hard standing in front of the existing property is also different to other properties, which mostly consist of small driveways, and an abundance of foliage within front gardens. This large area of hard standing does little to enhance the overall character and appearance of the area.
7. The proposal is for a new 1.8 metre wall and an electric sliding gate along the boundary between the appeal site and 10 Broadoaks Crescent and across the existing access. The proposed wall would be brickwork with a wooden gate and would enclose the parking forecourt to the front of the dwelling.
8. To my mind, the proposed brick wall and gate, have been sensitively designed to blend in with existing materials within the vicinity of the site and the height of the wall is in keeping with the existing boundary.
9. It would also result in an improvement in the character and appearance of the street scene and would enhance the quality and character of the area, by concealing the large hardstanding area at the end of the cul-de-sac. As such, I consider that any loss of openness as a result of the wall and gates would be more than outweighed by the benefits of screening this area of hardstanding behind an attractive wall and gate.
10. I therefore conclude that the proposal would accord with Policy RLP3 and RLP90 of the Braintree District Local Plan Review 2005, Policy CS9 of the Braintree Core Strategy (2011), and Policies LLP50 and LLP55 of the Publication Draft Local Plan 2017, which amongst other matters seek to ensure good design in development proposals. It would also accord with the design aims of the National Planning Policy Framework (the Framework).

Living Conditions of Neighbouring Property

11. The proposed wall and gate would run along the boundary with the property at 12 Broadoaks Close. The proposed wall and gate are attractive in design and whilst this may result in an increased sense of enclosure, this would be located in broadly a perpendicular direction to the front of No10. Taking this into account, and given the proposed height of the wall and gate, I consider this would not harm the living conditions of the occupiers of this property.

12. Furthermore, the proposed development would provide an attractive outlook for the occupiers of 10 Broadoaks Close as the brick wall and wooden gate are entirely in keeping with the materials already in the use of the area. The wall would be of the same height as the existing wall between the two properties and it would screen the existing area of hard standing, which had a significant number of vehicles on it during my site visit. I therefore find the proposal would result in an improvement in terms of the outlook from the property at 10 Broadoaks Close, whilst also providing both properties with a greater sense of privacy.
13. Turning to potential noise from the electric gate, in my experience electric entrance gates are designed to operate with a minimal amount of noise. I am also conscious of the background noise from the busy road on junction the other side of the hedgerow opposite the properties. Taking these factors into account, I consider that any noise from the electric gates would not give rise to any significant harm to the occupiers of No 12.
14. For the above reasons the development would not harm the living conditions of the occupiers of No 12 and the development would accord with Policy RLP 90 of the Braintree District Local plan Review (2005). It would also accord with overarching aims of the Framework.

Conditions

15. I have considered the conditions put forward by the Council against the requirements of the National Planning Practice Guidance and the Framework.
16. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. A condition relating to the external materials of the development is also necessary in the interests of the character and appearance of the area.

Conclusion

17. For the above reasons and having considered all the matters raised I conclude that the appeal should be allowed.

Gemma Jenkinson

INSPECTOR