

Appeal Decision

Site visit made on 15 July 2019

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2019

Appeal Ref: APP/Z1510/W/19/3227008

Land adjacent to 36 Gershwin Boulevard, Witham CM8 1QF

- 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 Taylor Wimpey UK Limited against the decision of Braintree District Council.
 - The application Ref 18/00628/FUL, dated 9 May 2018, was refused by notice dated 13 December 2018.
 - The development proposed is the erection of a detached dwelling house.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Taylor Wimpey UK Limited against Braintree District Council. This application is the subject of a separate Decision.

Procedural Matters

3. Although the application form details the address of the appeal site as Land adjacent to 36 Gershwin Blvd/Holst Way, Witham CM8 1QF, from my inspection on site it is evident that the site is on the corner of Gershwin Boulevard and Holst Avenue. I have therefore taken the address from the appeal form.
4. The development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011). It is on the basis of these adopted policies that I have based my decision. The Publication Draft Local Plan has been submitted for examination but remains unadopted. I therefore afford the emerging policies limited weight.
5. The Council has advised that it considers sufficient information has now been provided by the appellant to demonstrate that there would be no detrimental impact upon highway safety. However, concern has been raised by a number of interested parties regarding highway and, as such, this forms one of the main issues to be considered in this appeal.

Main Issues

6. The main issues are the effect of the proposal on:
 - The character and appearance of the area; and
 - Highway safety.

Reasons

Character and appearance

7. The appeal site is located in an area with a generally residential character. Dwelling design and type vary across the estate, with pitched roofs and gables a common feature. Although density along Gershwin Boulevard varies, the appeal site is located along a section which is generally characterised by substantial dwellings set back from the road with a landscaped area to the front. The landscaped areas provide a sense of spaciousness. The appeal site comprises an irregular shaped plot of land in a prominent location on the corner of Gershwin Boulevard and Holst Avenue and is grassed and planted with mature vegetation.
8. Although dwellings to the south of Holst Avenue have a closer relationship with the highway than dwellings along Gershwin Boulevard, green spaces such as the appeal site, help to maintain a sense of spaciousness and act as a transition between lower density and higher density development.
9. The proposed dwelling would front onto Holst Avenue, with a detached double garage between the appeal property and No 2 Holst Avenue. The dwelling would side onto Gershwin Boulevard and would have a similar ridge height to Nos 38 Gershwin Boulevard and No 2 Holst Avenue. The dwelling would have a lower ridge height compared with No 36 Gershwin Boulevard and its gable would front the highway, in contrast to No 36 which has side gable with dormer windows located on the pitched roof facing the highway.
10. Policy RLP3 of the Braintree District Local Plan Review (LPR)(2005) seeks to protect the character of the existing street scene and Policy RLP10 of the LPR seeks to ensure that the density and massing of residential development is related to the characteristics of the site and the layout and density of surrounding development, amongst other things.
11. Policy RLP90 of the Braintree District Local Plan Review seeks to ensure that the layout, height, mass and overall elevational design of buildings and developments shall be in harmony with the character and appearance of the surrounding area, amongst other things. Policy CS9 of the Braintree District Core Strategy (Core Strategy)(2011) seeks to ensure that development respects and responds to the local context, amongst other things.
12. Whilst I saw examples within the estate of dwellings facing one highway and with a flank wall facing the other, they are generally designed to respond and reflect the character of dwellings to which they are most closely related. No 38 Gershwin Boulevard, for example, occupies a prominent corner plot that faces Holst Avenue with a flank wall facing Gershwin Boulevard. It has been designed to respond and reflect the design of adjoining dwellings along Gershwin Boulevard and whilst its design differs to properties along Holst Avenue and properties along Gershwin Boulevard to the north of Holst Avenue, space and intervening structures help ensure it does not appear incongruous in the street scene.
13. Although the proposed dwelling would be of a similar design and height to No 38, it would be out of keeping with No 36, to which it would be more closely related visually, and would appear an incongruous feature along this part of Gershwin Boulevard. This would harm the character and appearance of the

area, contrary to Policies RLP3, RLP10 and RLP90 of the LPR and Policy CS9 of the Core Strategy, the requirements of which are set out above. It would also be contrary to the National Planning policy Framework (the 'Framework')(2019) which seeks to achieve well-designed places and states, in part, that planning permission should be refused for development of poor design¹.

Highway safety

14. Concern was raised by the Council that it has not been demonstrated that the development would maintain adequate visibility for vehicles exiting Britten Crescent onto Holst Avenue. Although, following the Council's decision, it has confirmed that it does not intend to defend the highways reason for refusal, these concerns were also raised by interested parties.
15. Policy RLP90 of the LPR and Policy CS9 of the Core Strategy both seek to secure a safe environment, amongst other things. The appellant has provided drawings which indicate that visibility splays of 25m by 2m can be achieved. I saw during my site visit that the road is lightly trafficked and, given the design and layout of the road, vehicle speeds are highly likely to be low.
16. Given this, I agree with the Council's conclusion that there would be no significant harm to highway safety arising from the appeal scheme and therefore no conflict with Policies RLP90 and CS9 in this regard.

Other Matters

17. I acknowledge that the site is not used as a private garden, nor is it public amenity space and is not a protected highway verge. However, this would be a neutral factor in the overall planning balance.

Conclusion

18. The appeal scheme would result in significant harm to the character and appearance of the area. Even if I were to conclude there is a shortfall in the five-year housing land supply, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
19. Thus, for the reasons given above, and having regard to all matters raised, the appeal is dismissed.

M Savage

INSPECTOR

¹ Paragraph 130