
Appeal Decision

Site visit made on 20 August 2019

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th September 2019

Appeal Ref: APP/Z1510/W/19/3230477

11A Augustus Mews, High Street, Braintree CM7 1JS

- 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 K Lashmar against the decision of Braintree District Council.
 - The application Ref 19/00536/FUL, dated 20 March 2019, was refused by notice dated 17 May 2019.
 - The development proposed is the change of use of office to a dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use of office to a dwelling at 11A Augustus Mews, High Street, Braintree CM7 1JS in accordance with the terms of the application Ref 19/00536/FUL, dated 20 March 2019, 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 following approved plans: 2019-232-001 and 2019-232-002
 - 3) The development hereby permitted shall not be occupied until the parking space shown on plan no. 2019-232-002 has been marked for use by the occupants of the dwelling and their visitors. The space shall thereafter be kept available at all times for the parking of motor vehicles by the occupants of the dwelling and their visitors and for no other purpose.

Main Issue

2. The main issue is whether or not the proposed development would provide acceptable living conditions for future occupiers with regard to outlook, light, privacy and the provision of internal and private amenity space.

Reasons

3. 11A Augustus Mews is within the Town Boundary of Braintree and the Braintree Conservation Area. It is a ground floor office unit within a mixed development of residential and office uses, although at my site visit, it was vacant and the appellant advises that it has been so for 2 years. The front elevation of No. 11A includes an entrance door and a window which face onto a small courtyard providing access to this and other units, including the flat at 11 Augustus Mews above the appeal site. Two smaller windows in the rear elevation face onto an access to a refuse store area enclosed at the rear by a brick wall. Internally, the unit is open save for a small WC.

4. The development proposed is the change of use of No. 11A to a dwelling. No external alterations are proposed, but internally the plans illustrate creation of a shower room at the rear of the building with the rest of the space providing for open-plan living accommodation.
5. The development would provide a one-bedroom, one-person dwelling with a shower room and the main parties are in agreement that this would have an internal area of approximately 35sqm. The Council have referred to the Government's technical housing standards - nationally described space standards, commenting that the development would not meet the suggested internal floorspace of 37sqm for a one-bedroom, one-person dwelling with a shower room. Further concern is raised that there would be poor outlook and a lack of privacy for future occupiers, and that no private amenity space would be provided.
6. Footnote 46 of the National Planning Policy Framework (the Framework) advises that where the need for an internal space standard can be justified, policies may make use of the nationally described space standard. The Planning Practice Guidance further advises that any such policies must be justified with regard to evidence of need, and consider impacts on development viability and affordability.
7. Saved Policy RLP90 of the Braintree District Local Plan Review (LPR) 2005 and Policy CS9 of the Braintree District Core Strategy 2007 (CS) include a requirement for a high standard of layout and design in all developments, including through creating good quality environments which contribute towards the quality of life in all towns and villages. However, I have no evidence of any reference within the adopted development plan to compliance with internal space standards. I have had regard to Policy LPP37 of the emerging Braintree District Publication Draft Local Plan (DLP) which states that new development should be in accordance with the national technical housing standards. However, this is the subject of an ongoing examination and the Council advise that further work on the DLP is continuing. It is therefore subject to change, and I afford this policy less weight.
8. In this context, although the proposed dwelling would not necessarily be spacious, given the shape and layout of the building, it would nevertheless provide a usable and functional area for future occupiers. In my view, it would therefore provide comfortable living accommodation and would not result in a cramped internal environment for future occupiers in accordance with the aims of the adopted and emerging development plan policies.
9. I acknowledge that the windows to the rear of the dwelling would face onto a relatively narrow area with a brick wall set behind. Part of this area is used as a refuse store with two large wheeled bins present at the time of my visit and I also saw that there is plant equipment fixed to the rear wall at ground level. The environment outside of these windows would therefore be less than ideal. However, I note that there is no through route here and the scale of the Augustus Mews development and refuse storage is not likely to result in significant footfall. Furthermore, I have no specific evidence pointing to any noise impacts likely to affect future occupiers.
10. The window closest to the refuse store would serve the shower room, while the main living accommodation to the dwelling is open-plan and dual aspect. This space is served additionally by light from the fanlight detail to the entrance

door as well as the larger window to the front of the building which faces broadly south, and I saw that these provided for a good level of natural light within No. 11A. An existing area of planting beneath part of the front window as well as a small ramp with hand rail up to the entrance to the unit together provide defensible space to the building. The dwelling would not therefore rely on the rear windows for natural light, ventilation or outlook for the main living accommodation, and I conclude that overall there would be satisfactory internal living conditions for future occupiers.

11. The dwelling would not benefit from any outdoor amenity space. The Council have pointed to a requirement for 25sqm to serve the dwelling which has not been challenged by the appellant, although I have found no requirement within the adopted development plan for a specific quantum of amenity space provision. The appellant has drawn my attention to the lack of private amenity space to other dwellings at Augustus Mews, and at Pierrefitte Way and Camelot Mews which are adjacent. I note that this is not unusual for a town centre location, and I also acknowledge that the Framework seeks effective use of land in meeting the need for housing and other uses, particularly in town centres and areas well-served by public transport.
12. As a one-bedroom, one-person dwelling, No. 11A is unlikely to be occupied by families. Furthermore, the Council acknowledge that there is accessible open space available in close proximity to the site. In these circumstances I do not therefore find that the lack of private amenity space would cause significant harm to the living conditions of future occupiers.
13. Taking all of the above factors together, I conclude that the development would provide acceptable living conditions for future occupiers with regard to outlook, light privacy and the provision of internal and private amenity space. The development would therefore accord with the provisions of saved Policy RLP90 of the LPR and Policy CS9 of the CS. It would also accord with the objectives of Policies LPP37 and LPP55 of the emerging DLP which seek an appropriate standard of residential accommodation and amenity for occupiers of development, although as this is not yet an adopted part of the development plan, I afford these policies less weight.

Other Matters

14. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to preserving the listed building of 105 and 107 High Street which the site is to the rear of, and its setting. I have also paid special attention to the desirability of preserving or enhancing the character or appearance of the Braintree Conservation Area as required by section 72(1) of this Act. However, given that there would be no external changes and the proposed residential use, I see no reason to disagree with the Council's conclusion that there would be no harm to the significance of these heritage assets.
15. There is disagreement between the main parties over whether the Council is able to demonstrate a 5 year supply of housing. However as I have found that the development would comply with the development plan it has not been necessary for me to reach a conclusion on this point.

Conditions

16. The Council have suggested conditions in the event that the appeal is allowed. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty. A condition is also necessary to ensure that adequate car parking is available for the development. I have amended the Council's suggested wording of these conditions in the interests of clarity and precision.

Conclusion

17. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

J Bowyer

INSPECTOR