
Appeal Decision

Site visit made on 1 October 2019

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2019

Appeal Ref: APP/Z1510/W/19/3232022

11 Mill Hill, Braintree CM7 3QR

- 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 Steve Boyle against the decision of Braintree District Council.
 - The application Ref 18/01931/FUL, dated 26 October 2018, was refused by notice dated 27 December 2018.
 - The development proposed is erection of detached dwelling with associated works and infrastructure.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Braintree District Publication Draft Local Plan (2017), was submitted to the Secretary of State on 9 October 2017 and is currently under examination. As it is not clear the extent to which any objections to its policies are unresolved or the extent to which its policies are consistent with the National Planning Policy Framework (the Framework), I give it limited weight in this appeal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is situated to the side of No 11 Mill Hill and once formed part of the garden of this property. No 11 is a semi-detached dwelling at the end of a row of three pairs. These buildings are evenly spaced and set some distance back from the road. To the other side of the site is a hard-surfaced private parking area associated with a number of properties located to its east. A railway line runs past the rear of the site.
5. The appeal building would appear similar in scale to its immediate neighbours when viewed directly from the front. However, at the rear of the building a three-storey projection is proposed. This would be full width at ground floor with a slight step-in above. The ridgeline of this outrigger would be the same height as the main ridgeline. The overall scale and massing of the rear of the building would be completely out of proportion with the front elevation and with the neighbouring dwellings. The return elevations would be visible in the street

scene and the bulky profile would be at odds with its surroundings. The proposal would result in an incongruous dwelling that would have a significant adverse effect on the character and appearance of the area.

6. Whilst I acknowledge that the appellant has proposed materials and detailing to match the neighbouring property, and that the appeal building would follow the same building line and eaves height of its neighbours, these matters do not outweigh the harm I have found with the overall scale and design of the proposal. Moreover, whilst I acknowledge the appellant's argument that the footprint of the proposed building would only be marginally larger than that of No 11, this does not take into account the overall volume of the building that would result.
7. The appellant also considers that the proposed rear projection is in keeping with the design of the neighbouring dwellings. However, the rear projections of those properties are in the form of shared two-story outriggers which are clearly subordinate to the main ridgeline of those buildings. I find that the comparison with the rear elevations of the neighbouring dwellings only serves to strengthen my view that the proposed development would be at odds with its surroundings.
8. I therefore conclude that the proposed development would unacceptably harm the character and appearance of the area. Thus, it would conflict with Policies RLP9 and RLP90 of the adopted Braintree District Local Plan Review 2005, Policy CS9 of the adopted Braintree District Council Core Strategy 2011 and the Framework, which amongst other things seek to ensure good design in development proposals.

Other Matters

9. The appellant has advanced a case that the proposal should be allowed as the design was agreed with the Council prior to submission. However, the Council is not bound by any pre application advice that may have been given. Moreover, I have determined the appeal on the planning merits of the proposal before me. Whilst I note that there is support for the scheme from a third party, this does not alter my overall conclusions.

Conclusion

10. For the reasons given above the appeal is dismissed.

S Tudhope
Inspector