



Appeal Decision

Site visit made on 17 September 2019

by M Heron BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th November 2019

Appeal Ref: APP/Z1510/W/19/3232368

The Coach House, The Courtyard, Witham CM8 2FW

- 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 Alex Bartlett (Aedis Homes Ltd) against the decision of Braintree District Council.
 - The application Ref 19/00594/FUL, dated 26 March 2019, was refused by notice dated 29 May 2019.
 - The development proposed is the partial demolition of the existing redundant coach house and conversion into a single residential dwelling with part raised roof.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have been referred to several relevant policies within the Braintree District Publication Draft Local Plan (DLP), which has been submitted for examination. However, it would appear that further evidence is required on Section 1 of the DLP. Moreover, no material has been supplied regarding the status of any unresolved objections to its policies. On the evidence before me, I therefore afford the policies of the DLP only limited weight with regard to paragraph 48 of the National Planning Policy Framework (the Framework) and instead give precedence to the policies within the Council's adopted development plan. This comprises the Braintree District Local Plan Review (LPR) and the Braintree District Council Local Development Framework Core Strategy (CS).

Main Issue

3. The main issue is whether or not the proposal would provide satisfactory living conditions for future occupants, with particular regard to outlook, noise and disturbance, access to daylight, the provision of external amenity space and parking provision.

Reasons

4. The appeal site represents previously developed land (PDL). It accommodates a disused part single/part two storey building positioned in a densely developed part of the town centre of Witham. This building adjoins development to the south and its footprint forms several of the site's boundaries. Consequently, a relatively large car parking area associated with a recently constructed flatted

development¹ wraps around it to the north and east. Car parking which appears to be associated with other flatted residential development in this urban area also abuts the building's rear elevation.

5. The proposal seeks full planning permission for the partial demolition of the appeal building, as well as the raising of part of its roof, to facilitate the conversion into a single residential property. I note that it follows the refusal of a similar scheme² and an attempt has been made to overcome the Council's previous reasons for refusal. However, the proposed dwelling would be surrounded by car parking areas on three sides. Not only would this provide a harsh, urban, outlook from within the proposal, but it would also result in a number of vehicles being parked within extremely close proximity of it. This would cause unacceptable daily noise and disturbance to future occupants from, amongst other things, the starting of engines and the slamming of car doors. Such noise would be particularly perceptible within the bedroom and would not be sufficiently diminished as a result of the narrow area of defensible space to the front of the proposal.
6. To protect future residents from noise, the Council's Environmental Health Officer has requested details of windows and ventilation through the imposition of a condition. However, it is likely that windows would have to be fixed shut in order to significantly dampen noise associated with nearby vehicular movements. This in turn would have an unacceptable impact upon the living conditions within the property. Consequently, I am not satisfied that it would be reasonable to impose such a condition, with regard to the tests set out at paragraph 55 of the Framework. There is therefore no appropriate mechanism to sufficiently mitigate the harmful noise and disturbance identified above.
7. Turning to outlook and daylight, first floor windows, together with proposed rooflights, would provide an adequate level of light at first floor level. There would also be suitable access to daylight within the bedroom. However, the ground floor study would have a small, high level, window. The size and positioning of this window would afford only a limited outlook from within this room, making it feel oppressive. In addition, and with regard to the orientation of the appeal building, it would provide only a poor access to daylight. The substandard living conditions in this study would reinforce the proposals inadequate internal living environment.
8. The proposed dwelling would be served by a space adjacent to its front door identified as a garden on the submitted plans. However, due to its constrained proportions and immediate adjacency to the car park, this space would be insufficiently private and of limited utility in terms of either the recreational or practical requirements of residential gardens. These quantitative and qualitative shortcomings would not be successfully mitigated by the presence of public open space, including play space, in the vicinity of the appeal site. This further shortcoming of the scheme adds to the multitude of factors identified above which, when considered cumulatively, illustrate the unacceptable living conditions that would be provided for future occupants of the proposal.
9. I note that the proposal would not afford any parking spaces for future residents. However, its highly accessible location would reduce the reliance on the ownership of a private vehicle. Consequently, and given the scale of the

¹ Granted under Ref. 15/00237/FUL

² Ref. 17/01722/FUL

development, I am not persuaded that the proposal's lack of parking spaces would significantly compromise the living conditions of future occupants in this particular instance. Thus, whilst the proposed development would conflict with Policy RLP56, which deals specifically with parking requirements, it would not lead to any material harm in this regard.

10. Nevertheless, for the reasons given, I conclude that the proposal would not afford satisfactory living conditions for future occupants in terms of outlook, noise and disturbance, access to daylight and the provision of external amenity space. It would therefore conflict with saved Policy RLP90 of the LPR and Policy CS9 of the CS. Amongst other things, these seek to ensure that developments are of the highest standard in terms of layout and contribute to the quality of life in all town and villages. I have also been referred to saved Policies RLP3 and RLP9 of the LPR. However, these primarily deal with character and appearance and are not relevant to this main issue.
11. Turning to the Framework, this states that small sites and windfall developments, in the right location, can make a valuable contribution to meeting housing requirements and encourages the redevelopment of PDL. However, this should not be at the expense of achieving good quality development which functions well and provides a high standard of amenity for future users. I have found that the proposal would not achieve this. There is therefore conflict with the design objectives of the Framework.

Other Consideration – Conservation Area

12. The proposal is within the Witham Conservation Area (CA). The Council raise no objection to the scheme's impact on the historic environment. Nonetheless, I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of this CA. The significance of this designated heritage asset appears to derive from the variety of high quality historic buildings within it which illustrate the evolution of the settlement over time.
13. Although the appeal building is apparent on historic maps, it does not appear to be a listed or locally listed building. The evidence before me also shows that it has been altered significantly. Moreover, its setting has been considerably eroded by the presence of surrounding development. Overall, whilst it has some limited degree of historic interest, based on the submitted evidence and my observations on site, it is clearly neither an important nor prominent building within the CA. Taking the above factors into account, I therefore find that the appeal building makes a neutral contribution to the significance, character and appearance of the CA.
14. I acknowledge that the proposed development could arrest the decline of the appeal building and its overall aesthetic would be in keeping with the character of the CA. However, I have no substantive evidence to show that this could not be achieved through a scheme which did not result in such poor living conditions for permanent residents. For example, through the implementation of the recently granted³ change of use of the appeal building to an office use. Neither do I have any evidence that the condition of the appeal building would significantly deteriorate in the absence of the proposed residential conversion.

³ Ref. 17/02247/FUL

Under these circumstances, I give only limited weight to these aspects of the proposal.

15. Overall, excessive external changes would not be required, and the proposal would not appear out of character within its immediate urban context. Nevertheless, I am not persuaded that it would achieve anything more than simply preserving the significance and the character or appearance of the CA.

Other Matters

16. My attention has been drawn to a development at Kelvedon which was allowed at appeal⁴. However, this scheme was considered to create a more viable use for an important building in the conservation area. This would not be the case with this appeal proposal. Consequently, it is not directly comparable to the appeal scheme and adds little weight in favour of it.
17. I have also been referred to a development at Rayne Road which was dismissed at appeal⁵. However, it appears that this scheme was more comprehensive than the appeal proposal. It therefore has little bearing on my conclusions on the appeal proposal, which I have assessed on its own merits.

Planning Balance

18. The Government is seeking to significantly boost the supply of housing. The proposal would provide a dwelling within an accessible location and would utilise PDL to do so. However, a single dwelling would make only a minimal contribution to the Council's housing stock. Similarly, the economic benefits of the proposal would also be minimal and would primarily relate to short-term employment during the construction/conversion period. Expenditure by future residents would make a negligible contribution to the viability of the town centre. In this context, I give limited weight to these social and economic benefits.
19. I have found that the proposal would not cause material planning harm as a result of the lack of parking spaces. It would also preserve the character or appearance of the CA. However, the absence of harm is only a neutral factor in the planning balance. Furthermore, the proposal would be acceptable in other respects, such as highway safety and the overall quantum of internal living space. However, these are requirements of the development plan and are also neutral factors in the planning balance.
20. On the other hand, I have found that the scheme would provide unacceptable living conditions for future occupants by virtue of its poor outlook and access to daylight, the absence of external amenity space and as a consequence of noise and disturbance associated with surrounding developments. The proposal would therefore fail to fulfil the social objective of sustainable development within the Framework, as it would not foster a well-designed built environment or provide a home which would meet the needs of present and future generations. This is a matter which attracts significant weight against the proposal.
21. The appellant considers that the Council cannot demonstrate a five year supply of deliverable housing land (5YHLS) and has referred me to development plan

⁴ Appeal Ref. APP/Z1510/W/19/3220833

⁵ Appeal Ref. APP/Z1510/W/18/3209386

policies relating to the supply of housing, which were not included in the Council's decision notice. The lowest figure for the Council's 5YHLS within the appellant's evidence is 4.15 years.

22. Even if this were correct, and even if I were to engage the tilted balance set out at paragraph 11 of the Framework, I conclude that the adverse effects of the proposal would significantly and demonstrably outweigh the benefits associated with the provision of one dwelling. This is so even in the absence of objections from neighbouring properties. The appeal scheme would not therefore meet the policies of the Framework, which taken as a whole seek to secure the delivery of sustainable development. Consequently, no material considerations justify a decision other than in accordance with the development plan in this case, with which, in terms of the above-referenced policy, the appeal scheme would clearly conflict.

Conclusion

23. Having regard to the above reasons and to all other relevant matters raised, I conclude that this appeal should be dismissed.

M Heron

INSPECTOR