
Appeal Decision

Site visit made on 1 October 2019 by Emma Worby BSc (Hons)

by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th November 2019

Appeal Ref: APP/Z1510/W/19/3228185

1 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 R Jewitt of Oak Developments Limited against the decision of Braintree District Council.
 - The application Ref 19/00197/FUL, dated 4 February 2019, was refused by notice dated 12 April 2019.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The appellant has submitted amended plans with the appeal. These plans were not considered by the Council in their determination of the planning application. While the appeal process should not be used to evolve a scheme, the amendments result in an internal change to the layout of the first floor to provide additional space within bedroom 2. As no changes to the external dimensions of the proposed dwelling have been made, the Council and interested parties would not be prejudiced by my acceptance of the amended plans. Thus, I have considered the appeal on this basis.

Main Issues

4. The main issues in the appeal are:
 - the effect of the proposed development on the character and appearance of the area,
 - The effect of the proposed development on the living conditions of the occupiers of the existing dwelling with regards to garden size and whether the development would provide satisfactory living conditions for its occupiers in respect of garden size and accommodation standards.

Reasons for the Recommendation

Character and Appearance

5. The appeal site is currently occupied by a semi-detached, two-storey dwelling with an open space to the front and the west of the existing house. The site is located at the end of a row of three pairs of semi-detached dwellings. The proposed development would result in an additional detached, two-storey dwelling being constructed on the site adjacent to the existing dwelling with parking to the front and a garden to the rear.
6. The proposed new dwelling would be located between the existing semi-detached dwelling on the site and a block of flats to the west. To the rear of the site is a steep grass verge with a railway line and another flatted block behind, which gives the site a relatively closed and confined feel. Due to this confined feel, the addition of a dwelling in this space would appear cramped and would erode the current gap between the buildings which contributes positively to the character of the area. Although the proposed dwelling is detached and there would be gaps between the proposal and the neighbouring buildings on each side, these gaps would be minimal and would not be sufficient to prevent the overdeveloped feel of the site which the proposed development would result in.
7. The design of the front of the dwelling is relatively modest and simple and would be largely in keeping with the neighbouring properties. However, there would be gable section on the rear of the property which, due to its excessive height, would appear as an overly large feature.
8. There would be little in the way of landscaping to the front of the dwellings, with plans showing the removal of existing trees on the site, and therefore the proposal would be highly visible within the streetscene. The proposed dwelling would be in line with the other dwellings in the established row and would be well set-back from the adjacent road, Mill Hill. Although the distance from the road would help to reduce the overall impact of the proposed dwelling on the streetscene, it would still be visible. Due to its cramped appearance it would appear incongruous and would therefore have a detrimental impact upon the character and appearance of the area.
9. Overall, the proposed development would harm the character and appearance of the surrounding area and therefore would be contrary to the sections of Policies RLP9 and RLP90 of the Braintree District Local Plan Review (July 2005), Policy CS9 of the Braintree District Core Strategy (September 2011), and Policies LPP37 and LPP55 of the Emerging Braintree District Publication Draft Local Plan (June 2017) which all relate to character and appearance, and the design objectives within the National Planning Policy Framework (the 'Framework'). All of which collectively seek to provide a high standard of design within new development which relates to its surroundings.

Living Conditions

10. The plans state that the proposed dwelling would have an amenity space of 54.5m² and the existing dwelling at 1 Mill Hill would have a resultant amenity space of 50m². It is considered that this is an acceptable size for two-bedroom properties and the space observed during the site visit was sufficient to provide a useable garden for both properties despite a gentle slope to the rear of the site.

11. The Council have also raised concerns regarding the width of bedroom 2, which would not meet the requirements of the nationally described space standards. However, the appellant has altered the layout of the first floor to provide additional space within bedroom 2 which, the Council accept, would meet the minimum standards. It is therefore considered that the proposal would have sufficient internal space to provide a good standard of amenity for future users.
12. Overall, the proposed development would not harm the living conditions of the occupiers of the existing dwelling and would provide satisfactory living conditions for its own future occupiers. It therefore would not conflict with the sections of Policy RLP90 of the Braintree District Local Plan Review (July 2005), Policy CS9 of the Braintree District Core Strategy (September 2011), and Policies LPP37 and LPP55 of the Emerging Braintree District Publication Draft Local Plan (June 2017) which relate to living conditions, or the living condition objectives within the Framework. All of which collectively seek to ensure the layout of new development is to a high standard with sufficient amenity space.

Other Considerations

13. The appellant has stated that the Council cannot meet a five-year housing land supply and therefore the proposal contributes towards the delivery of much needed housing. However, the proposed development would only provide one additional dwelling and, though I acknowledge the support given to small developments in the Framework, I give limited weight to this.
14. Also identified by the appellant is the benefit of providing housing within a sustainable location within the development boundaries and on underutilised land which would create jobs during construction and promote the viability and vitality of Braintree town centre. Although these are considered to be positive benefits of the proposed development, they would be small in scale.
15. The appellant has also highlighted a similar development adjacent to No.11 Mill Hill. Although planning permission was granted for a similar detached dwelling in this location, it is noted that its immediate surroundings are somewhat different from the appeal before me. Even though the type of development is similar, the two sites are not directly comparable.

Conclusions and Recommendation

16. Even if there is a shortfall in the five-year supply as suggested by the appellant, the adverse impacts of granting planning permission identified above would significantly and demonstrably outweigh the benefits. Therefore for the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR