

Appeal Decision

Site visit made on 14 November 2019

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2019

Appeal Ref: APP/Z1510/W/19/3230637

Land adjacent to 24A White Horse Avenue, Halstead, Essex, CO9 1AH

- 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 Ivybuild Ltd against the decision of Braintree District Council.
 - The application Ref 18/02148/FUL, dated 30 November 2018, was refused by notice dated 11 April 2019.
 - The development proposed is the erection of a two bedroom bungalow.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a two bedroom bungalow at land adjacent to 24A White Horse Avenue, Halstead, Essex, CO9 1AH in accordance with the terms of the application, Ref 18/02148/FUL, dated 30 November 2018, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plan: 11C.
 3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no extension, enlargement or roof alteration of the dwelling hereby approved shall be carried out without planning permission first obtained from the Local Planning Authority.
 4. The development shall not be occupied until the car parking area indicated on the approved plans has been hard surfaced and sealed. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the locality.
-

Reasons

Character and appearance

3. The appeal site is the irregular shaped side garden area of an end of terrace two storey dwelling on a planned and accessible post-war estate of established residential character. The immediate locality sees terraced stretches around three sides of a green space creating a distinctive and agreeable appearance. The proposal is as described above.
4. The Council is concerned that the development would be visually incongruous and harmful to the character of the because of its alien form, design, layout and scale.
5. I agree with the Council's implication that the bold and regular terraced runs around the green form a key part of local distinctiveness and should prevail and that any new development should not detract from this. Spaces are a feature at many corners albeit with garden screening and outbuildings the most marked element of this is usually at upper level. Additionally land beyond the main rows of buildings is so removed from the street that its usual contribution is marginal. In this instance the appeal site widens towards its rear and is spacious. The planned design of the bungalow is very low key in elevational detailing and scale as well as roof height and massing. Its siting would be behind even the rear building line of the parallel terrace and well behind the front building line of the right angle terrace. To my mind the appeal scheme rather than being visually incongruous would be innocuous because the main pre-eminence of the rigid two storey terraced layout around the green would continue to be the bold aesthetic characteristic of the area. The new property, or its hardstanding, would not intrude upon this.
6. Therefore my appraisal of the appeal site is that it is a reasonable infill plot for the specific type and position of dwelling planned which would be appropriate in design, scale, siting and density in its wider context. It would not detract from the predominant pattern of development in this area. I should add that the estate is not without occasional bungalows, some original and newer ones are evident relatively close to the appeal site, and properly positioned they do not detract from the main house style theme.
7. I noted fears that a precedent would be set if this scheme were to be allowed. However, each case should be judged on its own merits and in any event I observed that the equivalent corner to the north-west has a different building arrangement and a footpath crossing.
8. Adopted Saved Policies RLP3 and RLP90 of the Braintree District Local Plan Review are relevant and are reflected in emerging Policies LPP50 and LPP55 of the Draft Local Plan to which I give due weight. Amongst other matters and taken together they are concerned with achieving quality design and call for new development to protect and complement an area's character and local distinctiveness and provide pleasing built environments. I conclude that the appeal scheme would not run contrary to these policies.

Other matters

9. I would add that I do appreciate local concerns over construction traffic and inconvenience, particularly given the tight road system. This temporary

phenomenon is not of sufficient weight to outweigh my conclusion on the main issue but I would hope that consideration will be shown by personnel during construction of the bungalow.

Conditions

10. The standard commencement period is appropriate. A condition that works are to be carried out in accordance with listed, approved, plan is put forward; I would agree, to provide certainty. The suggestion of removal of certain 'permitted development' rights is, in the exceptional circumstances of other dwellings' proximities and relative dispositions, agreed in the interests of amenity. However I see no need to go as far on the curtailment put forward by the Council, a focus on the dwelling itself would be sufficient. I agree that vehicle parking should be provided prior to occupation in the interests of highway convenience and safety.

Overall conclusion

11. For the reasons given above I conclude that the appeal proposal would not have unacceptable effects on the character and appearance of the locality. Accordingly the appeal is allowed.

D Cramond

INSPECTOR