



Appeal Decision

Site visit made on 8 January 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 February 2020

Appeal Ref: APP/Z1510/W/19/3237641 20 Collingwood Road, Witham CM8 2DZ

- 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 & Mrs Lewington against the decision of Braintree District Council.
 - The application Ref 18/01908/FUL, dated 23 October 2018, was refused by notice dated 9 May 2019.
 - The development proposed is described as "To construct a 2 bedroom chalet bungalow to the rear garden of 20 Collingwood Road, fronting the access road / parking area to Witham Bowls Club, with access to the new dwelling via a new access to the side of 20 Collingwood Road and parallel to the access road to Witham Bowls Club. The entrance to the proposed access road to the dwelling is to be widened out for the stand of a fire vehicle, also at this point there is Bin storage. The 2 bedroom chalet bungalow is to be used by the applicant for a retirement dwelling for their use in retirement, as from this point it is central to all public transport and shopping facilities."
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the heading above has been taken from the planning application form. While Part E of the appeal form states that the description of development has changed, I am satisfied that the nature of the proposed development is clear from either description.
3. Both parties have referred to the emerging Local Plan June 2017 in their submissions. However, I have no information to suggest when the plan is likely to be adopted, and accordingly I have not given it any weight in determining this appeal.

Main Issues

4. The main issues are:
 - The effect on the living conditions of neighbouring occupiers, with particular regard to the outlook from and disturbance to No 22 Collingwood Road; and,
 - The effect of the development proposed on the character and appearance of the site and the Witham Conservation Area.

Reasons

Living Conditions

5. During my site visit I visited the gardens of both No 20 and No 22 Collingwood Road. The proposed bungalow would be sited close to the shared boundary with No 22 with a large dormer window on the rear roof slope. Due to its height, massing and proximity to the boundary the bungalow would be a prominent and dominant feature when viewed from the neighbouring garden and would create a sense of enclosure to a currently open environment.
6. The planting along the shared boundary lies within the application site and would provide some screening of the development. However, based on the evidence before me, I do not consider that it would be sufficient to fully screen the development proposed from the neighbouring property.
7. The development would introduce a driveway to the rear of the host property, with parking for the proposed development close to the existing and new fences to Nos 22 and 20. This arrangement would result in noise and disturbance from the manoeuvring of vehicles on the driveway and in the parking area. While the appeal site lies within a residential area and on a busy road, the appeal proposal would be harmful to the quiet character of the rear gardens, and to their enjoyment by occupiers. The appellants have suggested that any disturbance would be similar to that arising from the use of the bowls club access. However, the proposed parking spaces would be closer to the boundary with No 22 and in addition to any disturbance that may arise from the existing arrangement.
8. The proposed bungalow would have front dormer windows facing towards the rear garden of No 18. However, no objection has been received from the occupiers of that property and I am satisfied that due to the separation distance and presence of landscaping and boundary treatments that no unacceptable harm would arise from this arrangement.
9. Having regard to the above considerations I therefore conclude that the development proposed would cause unacceptable harm to the living conditions of the occupiers of No 22. It would therefore conflict with Policies RLP3 and RLP90 of the Braintree District Core Local Plan Review July 2005 (the LP). Together these policies require that development not cause an undue or unacceptable impact on the amenity of any nearby residential properties.

Character and Appearance

10. The appeal site is within the Witham Conservation Area (the CA). I am therefore required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA, in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
11. The development proposed would be sited to the rear of the host property. This arrangement would be out of keeping with the prevailing pattern of long rear gardens along this side of Collingwood Road. The site would be largely screened from view from the highway but would be visible from neighbouring properties. The development would be viewed in the context of the surrounding residential properties and would not be a prominent or dominant feature of the area in this context.

12. The response from Essex County Council's Historic Environment Team states that the proposed bungalow would cause a low level of harm to the CA due to being sufficiently removed from the road to not cause concern. For the sake of clarity, a low level of harm still amounts to a failure to preserve the character and appearance of the CA and is not the same as there being no harm from the appeal proposal.
13. As material harm has been identified due to the siting of the appeal proposal it is necessary to determine whether this amounts to substantial or less than substantial harm. Having regard to paragraph 196 of the National Planning Policy Framework (the Framework), the development proposed relates to a single dwellinghouse of modest scale and of a proposed appearance and external materials generally in keeping with its surroundings. The dwellinghouse would be set back from the Collingwood Road street scene and located in an existing residential area. The limited harm arising from its uncharacteristic backland location would be less than substantial when weighed against the significance of the whole CA.
14. While there would be benefits arising from the new house, and the extent of harm would be limited, I am required to give great weight to the conservation of the significance of the CA, in accordance with paragraph 193 of the Framework, irrespective of the degree of harm that would result. In this instance I find that the harm would outweigh the benefits of the development.
15. The appellants have referred to a decision granted by the Council for backland development in the CA. However, I do not have the details of that application and decision before me, so cannot be sure to what degree the sites and details of the development are similar to this appeal.
16. Taking all the above factors into considerations I therefore conclude that the development proposed would cause unacceptable harm to the character and appearance of the site and the CA. It would therefore conflict with Policies CS9 of the Braintree District Core Strategy September 2011 and Policies RLP3, RLP10, RLP90 and RLP95 of the LP. Together these policies seek the preservation and enhancement of designated Conservation Areas and to prevent harm to the character and historic interest of the locality.

Other Matters

17. The appellants state that the site is in a sustainable location, and the development proposed would make a contribution towards housing need in the District. The development could also lead to environmental and biodiversity gains through appropriate conditions if planning permission were to be granted. There would be an economic benefit from the construction of the bungalow, and ongoing social and economic benefits from its occupation. It would be constructed to the latest Building Regulations standards. However, these benefits would not outweigh the harm that I have identified above.
18. There is dispute between the parties over whether the Council possesses a five-year supply of housing land. The presumption in favour of sustainable development in such instances identified in paragraph 11 of the Framework is not engaged where harm would occur to a designated heritage asset such as a CA. I have therefore determined the appeal in accordance with the development plan, as I have found no conflict between the identified policies and the aims of the Framework. However, even if the presumption did apply, I

consider that the harm that I have identified would significantly and demonstrably outweigh the benefits of the appeal proposal.

Conclusion

19. For the reasons set out above, I conclude that the appeal should be dismissed.

M Chalk

INSPECTOR