



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: 5 February 2020

Appeal Ref: APP/Z1510/W/19/3237236
334 Panfield Lane, Braintree CM7 5RQ

- 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 Graham Seeley against the decision of Braintree District Council.
 - The application Ref 19/01022/FUL, dated 7 June 2019, was refused by notice dated 19 August 2019.
 - The development proposed is side extension forming new dwelling and adaptation of existing dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the development proposed on the character and appearance of the street scene;
 - Whether the development proposed would make an acceptable provision for off-street parking; and,
 - The effect of the development proposed on highway safety.

Reasons

3. The appeal site is in the built-up area of Braintree, and both parties agree that the principle of development is acceptable in this location.

Character and Appearance

4. The site is a semi-detached dwellinghouse and associated garden that forms part of a row of houses along one side of Panfield Lane between the junctions with Churchill Road and Kings Road. Houses in the row predominantly comprise pairs of semi-detached houses, although there are two short rows of terraced houses and a single detached house near the junction with Churchill Road. There are clear visual breaks between the facing side elevations of neighbouring properties in all cases in the row other than where neighbouring properties are attached to one another. As a minimum the side elevation of each house is set away from the side boundary with sufficient distance to allow passage to the rear of the property.

5. The development proposed would be built up to the boundary with the neighbouring property, No 332, and the submitted drawings show that the eaves of the roof would overhang the boundary between the properties. This would eliminate any visible break to the side of the property and be out of keeping with the established pattern of development in the row. It would result in a cramped form of development that would be harmful to the character of the Panfield Lane street scene.
6. The appellant has suggested that the appearance of the development would be acceptable due to the use of matching materials and a design in keeping with the existing houses, and the presence of terraced houses within the row. While I recognise that this design approach could help the development integrate with the existing and neighbouring houses, it would not be sufficient to overcome the harm to the character of the street scene. Both rows of terraced houses maintain space to their sides to create a visual break in keeping with the wider street scene, unlike the appeal proposal.
7. The development proposed would therefore be harmful to the character and appearance of the street scene. It would conflict with Policies RLP3, RLP9, RLP10 and RLP90 of the Braintree District Local Plan Review July 2005 (the LP) and Policy CS9 of the Braintree District Council Core Strategy September 2011. Together these policies require that new development be of the highest possible standards of design and layout, and that it can take place without material detriment to the existing character of the settlement.

Off-street Parking

8. The appeal proposal would provide 4 off-street parking spaces each of 2.5 metres in width at the front of the site. The Council's adopted parking standards seek a minimum of 2 parking spaces for each house of 2 or more bedrooms and a minimum width of 2.9 metres per space is required and 2.5 metres per space will only be acceptable under exceptional circumstances. 2.9 metres is recommended as otherwise occupants may be unable to get in or out of an average sized family car. The appellant has not suggested any exceptional circumstances are present in this instance. As there would be 4 parallel bays, each with 1 side against a boundary, I do not consider that the ordinary needs of the existing and proposed household would be considered exceptional.
9. The appellant suggests that the appeal site is in a sustainable location which would justify a provision of 3 parking spaces on site. While the site falls within the built-up area of Braintree, the town centre is stated by the appellant to be about 1.5 kilometres away. I have not been provided with evidence that day-to-day services and facilities exist closer to the appeal site than the town centre, or that the site is located close to public transport. During my site visit I saw a significant incline in the road level along Panfield Lane towards the town centre, and I consider that the distance to the town centre is too far to be attractive to pedestrians on a day-to-day basis, especially for those with mobility impairments or young children. The occupants of the development proposed would therefore be dependent on cars, and I do not consider that the appeal site would be suitable for a reduced parking provision. I also saw during my visit that on-street parking along this section of Panfield Lane is limited to one side of the road due to its width, and many of the houses in the immediate area do not have off-street parking. I therefore consider that a failure to

provide off-street parking to the minimum standard would contribute to increased on-street parking and obstruction of the carriageway.

10. The appellant has also suggested that space for off-street parking could be accommodated at the rear of the site, with access from Sandwich Close. However, no details of this option have been submitted for my consideration, and this would in any case require public consultation as it would be a materially different proposal to the application considered by the Council.
11. The development proposed would not make an acceptable provision for off-street parking. It would therefore conflict with Policy RLP56 of the LP and the Council's Adopted Parking Standards September 2009 which require provision of a minimum of 2 parking spaces of the specified dimensions for each house of 2 or more bedrooms.

Highway Safety

12. The development proposed would result in the widening and a more intensive use of the vehicle access to the site. A revised plan (Ref: 334PL/BPPR Revision D) was submitted during the application showing visibility splays from the access. However, Essex County Council as the highway authority maintained their initial objection as they do not consider that sufficient information has been provided to show that safe suitable access to the site can be achieved.
13. During my site visit I saw on-street parking along this section of Panfield Lane, including in the immediate vicinity of the site, and this parking effectively reduces the width of the carriageway where it occurs. The revised plan does not show visibility splays from the carriageway edge, and given that visibility for vehicles leaving the site may be restricted by on-street parking, I am not convinced that the evidence submitted shows that a safe junction can be provided between the appeal site and Panfield Lane.
14. In the absence of sufficient evidence to show that adequate visibility from the access exists, I am not able to conclude that the development would not be harmful to highway safety. The development proposed therefore conflicts with Policy RLP90 of the LP and Policy DM1 of the Essex County Council Development Management Policies February 2011. Together these policies require development to not be detrimental to the safety of the highway network.

Other Matters

15. 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.
16. The appellant has stated that no objections to the development were raised by residents. The absence of identified harm is a neutral consideration in determining this appeal.
17. The appellant has also referred to pre-application discussions with the Council. The Council has provided a copy of their response, but as I do not have details of the submitted scheme, and how it relates to the appeal proposal, I am not able to give this any weight in determining this appeal.

Conclusion

18. For the reasons given above I conclude that the appeal should be dismissed.

M Chalk

INSPECTOR