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## Appeal Decision

Site visit made on 16 March 2020 by Thomas Courtney BA(Hons) MA

**Decision by Andrew Owen MA BA(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 April 2020**

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**Appeal Ref: APP/Z1510/W/19/3241659**

**98-104 London Road, Braintree, Essex, CM7 2AS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr Andrew Porter of Porteramm Ltd against the decision of Braintree District Council.
  - The application Ref 19/01142/VAR, dated 24 June 2019, was refused by notice dated 16 October 2019.
  - The application sought planning permission for the construction of five dwellinghouses and a garage without complying with a condition attached to planning permission ref APP/Z1510/W/18/3218279 dated 15 May 2019.
  - The condition in dispute is No 2 which states that "The development hereby permitted shall be carried out in accordance with the following approved drawings: drawing number: 18010201 – "Plans"; drawing number: 18010201/1 – "Plans"; drawing number: 18010201/2 – "Plans"; drawing number: 18010201/3/A – "Elevations"; drawing number: 18010201/4/A – "Plans" (location plan); drawing number: 18010201/5/B – "Plans" (site plan); drawing number: 18010201/6 – "Garage"."
  - The reason for the condition given in the decision is to define the planning permission.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

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

### Main Issue

3. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

### Reasons for the Recommendation

4. The appeal site lies at the southern edge of Braintree, close to the A120 trunk road. It comprises an irregularly shaped area of land that fronts London Road. It currently appears as a construction site with two semi-detached dwellings having already been built. The northern edge of the site abuts an access road to land at the rear used as a large scrapyards area with a number of outbuildings, redundant vehicles, caravans and scattered detritus. There are properties of various sizes fronting the road to the South and North of the

appeal site. Amongst these are bungalows as well as two-storey detached and semi-detached dwellings. There is no clear consistent building line as some dwellings are set-back from the road whilst others directly abut the road. The staggered building line and front driveways, where they exist, maintain a sense of spaciousness along this stretch of road. The wider area has undergone significant recent changes with a large new housing estate having been partially erected to the north west of the site. A new roundabout off London Road has also been formed at the entrance of this new housing area.

5. The proposal seeks to gain planning permission for an alternative scheme to that approved by the previous appeal (appeal ref. APP/Z1510/W/18/3218279). The proposal varies from the extant scheme by providing less space between the pairs of semi-detached dwellings, alterations to the detached house, and alterations to the frontage parking layout.
6. The proposal would result in a very narrow gap between the two pairs of semi-detached houses, and hence appear cramped. Also, these houses would sit on the same building line so, when combined with the minimal gap between them, would effectively appear as a terrace. This near continuous built-up frontage would jar with the sense of spaciousness along this stretch of road and deviate from the existing building pattern characterised by the staggered building line.
7. Furthermore, the front elevation of the detached dwelling would appear odd as the proposed first-floor fenestration would not be adequately scaled to the width of the gable. This would harm the façade of the dwelling and would result in an awkward and discordant feature in the street scene.
8. Much of the site frontage would be occupied by parking interspersed by thin strips of landscaping. The site would therefore be dominated by a mostly uninterrupted band of hardstanding and parked cars which would not be mitigated sufficiently by the relatively small amount of landscaping. Although the appellant states that the proposed parking layout would avoid users parking cars on planted areas, I am not convinced this point counterbalances the lack of proposed landscaping and the adverse impact a continuous frontage of parking would have on the streetscene. The proposed parking layout would also be somewhat disorderly as one of the parking spaces for the 2-bed dwelling would, in part, be in front of a neighbouring house. The parking layout would therefore be out-of-keeping with the area as most of the properties to the north and south of the appeal site have garages or generous space to the front of their houses which allows for spacious parking.
9. I acknowledge the site is previously developed land and lends itself well to residential infill development, as evidenced by the extant planning permission. However, this does not justify the overly cramped layout proposed and the negative effect this would have on the immediate area. Notwithstanding the fact that the site is screened from the main road by a band of mature landscaping, the proposal would still not respect the street scene of this distinct section of London Road.
10. I understand there is a dispute over the access road along the northern boundary. As a result of this, the appellant states that the original planning approval cannot be implemented as a 2m gap needs to be left to the northern boundary and the garage relocated and reduced. However there appears to be no alteration to the garage in the current proposal and although the detached house now proposed may be set slightly further from the northern boundary, I

see no reason why this necessitates all the alterations proposed. As such I give this matter little weight.

11. The proposed alterations would result in a congested development which would appear obtrusive and would adversely impact the character and appearance of the area. I conclude that the proposal would conflict with Policy CS9 of the Braintree District Core Strategy (2011) (the 'Core Strategy'), RLP90 of the Braintree District Local Plan Review (2005) (the 'Local Plan'), as well as emerging Policies LPP50 and LPP55 of the Braintree District Publication Draft Local Plan (2017) (the 'emerging Local Plan') which together seek to ensure proposals are appropriately designed and respectful of local context. This is consistent with the National Planning Policy Framework (the Framework) which aims to ensure proposals are sympathetic to local character.
12. Policy RLP2 of the Local Plan, Policy CS5 of the Core Strategy, as well as Policies LLP1 and SP3 of the emerging Local Plan are all strategic policies that refer to housing supply and development outside town boundaries. These policies are not particularly relevant to the main issue in view of the fact that the principle of development is not in dispute and planning permission has already been granted for the erection of five units at this location.
13. The proposal would also fail to adhere to Policy SP1 of the emerging Local Plan which refers to the presumption in favour of sustainable development. As I have found that the development would harm the character and appearance of the area it therefore cannot be defined as sustainable.

### **Recommendation**

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*Thomas Courtney*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

15. 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