
Appeal Decision

Site visit made on 10 March 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th May 2020

Appeal Ref: APP/Z1510/D/19/3243649

21 Hawkins Way, Braintree CM7 9TD

- 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 Tom Harris against the decision of Braintree District Council. The application Ref 19/01669/HH, dated 9 September 2019, was refused by notice dated 21 October 2019.
 - The development proposed is described on the application form as 'Proposed two storey side extension' (sic).
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Decision

1. The appeal is allowed and planning permission is granted for proposed two storey side extension at 21 Hawkins Way, Braintree CM7 9TD in accordance with the terms of the application Ref 19/01669/HH, dated 9 September 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Plans and Elevations (02); Location and Block Plans (02); Proposed Plans and Elevations (03C).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. In their evidence the Council have referred to the policies of the emerging Braintree District Publication Draft Local Plan 2017. However, this plan has not yet been examined and found sound. Consequently, I have afforded these policies limited weight.
3. Whilst examining the plans originally submitted for the appeal scheme, I noticed that there appeared to be an inconsistency between the Location and Block Plans (02) and the Proposed Plans and Elevations (also 02). Subsequently it transpired that the Proposed Plans and Elevations (02) from the previous application at the appeal property (ref 18/01549/FUL) had been inadvertently submitted rather than the Proposed Plans and Elevations (03C) that the Appellant originally submitted to the Council as part of the application that is the subject of this appeal (ref 19/01669/HH). The Council have since submitted the correct version of the Proposed Plans and Elevations (03C), and

I have considered this appeal based on this version and do not consider that any parties will have been prejudiced by my doing so.

4. The Appellant has also submitted the correct version of their statement of case/grounds of appeal¹ as they had originally inadvertently submitted the version from the previous planning appeal case (Ref APP/Z1510/D/18/3216609). The Local Planning Authority was given the opportunity to make a comment on this new statement of case and as a result I do not consider that any party will have been prejudiced by the acceptance of this corrected evidence.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal property is a two-storey semi-detached dwelling with a large box dormer window set within the front roof slope mirroring that of the adjacent property no. 23 Hawkins Way. To the front and side of the appeal property is a driveway. The surrounding area is predominately residential with most properties on Hawkins Way being semi-detached dwellings of a similar style and type to that of the appeal property. Many of the properties on Hawkins Way have attached ground floor side garages or driveways leaving gaps between the dwellings that contribute to the character of the area.
7. There are also several properties on the street that do not have these gaps (such as nos. 25, 27, 29 and 31 Hawkins Way) given that they also have what appear to be two-storey side extensions. The neighbouring property (no. 19) also appears to have a two-storey side extension as it has a stand-alone box dormer window that is separated from the larger one that stretches across its front roof slope and that of no. 17. The proposal relates to the construction of a two-storey side extension to the host property to create a larger kitchen, new utility room and toilet on the ground floor with a new bedroom and slightly larger bathroom being created on the first floor.
8. The Council have raised a concern in relation to the proposal in that in their view it would 'almost entirely infill the gap between' nos. 19 and 21 Hawkins Way thereby eroding the positive contribution that the gap between these properties makes to the character of the street scene and local area. However, I consider that the proposal represents a modest two storey side extension and its design clearly shows that it would be subservient to the host property given that it would be set back from the existing front building line and have a lower roof ridge height. Furthermore, whilst the proposal would infill a good portion of the gap between the neighbouring properties, I do not consider that it would be almost entirely infilled. Moreover, given its modest scale the proposal would also not be fully visible from the street² unless viewed from directly to its front, and even then it would appear subservient to the host property, which in combination with the remaining gap between the properties would, in my view, adequately preserve the existing character of the street scene.

¹ Appeal Statement (A)

² See Appellant's appeal statement (A) pages 7 & 8.

9. Accordingly, I find that the proposal would not have an adverse visual impact that would unacceptably or materially harm the character and appearance of the host property, the street scene or local area. I therefore conclude that the proposal would accord with saved Policies RLP 3, RLP 17 and RLP 90 of the Braintree District Local Plan Review (adopted July 2005), Policy CS9 of the Braintree District Council Local Development Framework Core Strategy (adopted September 2011), and Policy LPP 38 of the Braintree Publication Draft Local Plan (approved June 2017) which aim to ensure high design standards and that residential extensions have no adverse material impact on the identity of the street scene and are compatible with the scale and character of a local area, amongst other considerations.

Other Matter

10. I note that the appeal (Ref APP/Z1510/D/18/3216609) for the previous scheme was dismissed on similar grounds to the case put forward by the Council for the appeal scheme before me. However, I consider the appeal scheme before me to be materially different (smaller and more modest in its design and appearance) to the previous scheme and consequently I have reached a different conclusion in this case.

Conditions

11. In addition to the standard implementation condition, I have imposed a necessary condition to define the plans with which the scheme should accord in the interest of precision. I have also imposed a condition requiring the use of matching materials in the interests of the character and appearance of the area.

Conclusion

12. For the reasons set out above I conclude that the appeal should be allowed.

C Coyne

INSPECTOR