

## Appeal Decision

Site visit made on 22 May 2020

**by R Sabu BA(Hons) MA BArch PgDip ARB RIBA**

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

**Decision date: 28<sup>th</sup> May 2020**

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**Appeal Ref: APP/Z1510/W/19/3243218**

**Cornerstone Centre, 183 - 185 Witham Road, Black Notley, Essex  
CM77 8NB**

- 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 David Bland against the decision of Braintree District Council.
  - The application Ref 19/01498/FUL, dated 20 August 2019, was refused by notice dated 16 October 2019.
  - The development proposed is single storey extension.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. While I note the address on the application form, the appellant has confirmed that the correct site address is as per the heading above.
3. I note the Braintree District Publication Draft Local Plan 2017. However, since there is no certainty that the policies within would be adopted in their current form, I attribute them limited weight only.
4. I acknowledge the Council's comments regarding the submitted plans. However, the Council submitted the drawings on which they based their decision, and these appear to be the same as those submitted by the appellant in relation to the appeal scheme. I therefore have no concerns regarding the submitted drawings.

### Main Issues

5. While I note the reason for refusal, from the evidence before me the main issues are:
  - the effect of the proposed development on the living conditions of the occupiers of No 181 Witham Road (No 181) with particular regard to noise; and
  - the effect of the proposed development on the character and appearance of the host building and street scene.

## Reasons

### *Living conditions*

6. The evidence is unclear as to whether the proposal includes top opening vents along the side elevation of the extension which would be in close proximity to No 181. The proposed extension would be primarily used for children's work and a partitioned off prayer room and would also be used as part of church services and community functions. There is little evidence before me regarding the sound insulation properties of the extension to demonstrate that undue noise disturbance would not occur even without opening vents and with the doors closed. In addition, even if opening vents are not proposed, it is likely that the doors would be opened for ventilation, particularly during summer months. Therefore, given the close proximity to No 181 and that groups of people would be using the space, the resultant noise would be likely to have an adverse effect on the living conditions of the occupiers of No 181.
7. I note that large numbers of churchgoers would be likely to be present at the site only on Sundays, and the indication that if vents are proposed, they would be closed for the majority of the year. However, this would be unlikely to be enforceable via condition.
8. Consequently, the proposed development would harm the living conditions of the occupiers of No 181 with particular regard to noise. Therefore, it would conflict with Policy RLP90 of the Braintree District Local Plan Review Adopted July 2005 (LP), which among other things requires that there shall be no undue or unacceptable impact on the amenity of any nearby residential properties. It would also conflict with paragraph 127 of the National Planning Policy Framework (Framework) in this respect.
9. Since Policy CS9 of the Braintree District Council Local Development Framework Core Strategy Adopted September 2011 (CS) does not refer to living conditions, it is not directly relevant to this main issue.
10. While I note the comments regarding LP Policy RLP90 and CS Policy CS9 being out-of-date, from the evidence before me they are consistent with the Framework and I attribute them full weight.

### *Character and appearance*

11. The area surrounding the appeal site is characterised by a range of dwelling types that are generally two storeys with moderate spacing such that the area has a spacious pleasant character and appearance. In terms of character and appearance, since the Council's objection in this regard centres around the use of UPVC, I will focus my assessment on the effect of the use of this material.
12. The host building is a single storey building consisting of a number of extensions with brick and stone clad walls and with UPVC framed windows and doors. UPVC is also commonly used in the properties in the area. While I note the proposed use of UPVC along all three walls of the extension, given the close proximity of the scheme to the boundary with No 181 and its modest height, only the front elevation would be visible from the street. Moreover, given the position of the host building to the rear of the Coffee House building and the significant distance from the road, the front elevation of the proposal would be mostly visible only when approaching from the north.

13. Furthermore, the evidence indicates that the colour of the UPVC would be 'rosewood', which would be less eye catching than the stark white colour proposed in previous schemes and would be similar to the colour of the main doors of the church. Overall, the proposal would not appear out of keeping with the host building or appear incongruous in the street scene.
14. Consequently, the proposed development would not harm the character and appearance of the host building and street scene. Therefore, it would not conflict with LP Policy RLP90, which among other things requires that overall elevational design of buildings and developments shall be in harmony with the character and appearance of the surrounding area. It would also not conflict with CS Policy CS9 which among other things requires developments to respect and respond to the local context.

### **Other Matters**

15. While I note a previous planning permission for the site<sup>1</sup>, since it was not implemented and given the age of the permission, this has not altered my overall decision.
16. While I acknowledge that, apart from Black Notley Parish Council, there were no neighbour objections to the proposal, I have necessarily assessed the appeal based on its planning merits and this point has not altered my overall decision.
17. I note the concerns regarding the proposal setting a precedent for future development. However, each proposal must be determined on its individual merits and this point has not altered my overall decision.

### **Conclusion**

18. For the reasons given above the appeal is dismissed.

*R Sabu*

INSPECTOR

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<sup>1</sup> Council ref: 15/00819/FUL