



Appeal Decision

Site visit made on 6 July 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2020

Appeal Ref: APP/Z1510/W/20/3247026

56 Chalks Road, Witham CM8 2JG

- 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 D Braniff against the decision of Braintree District Council.
 - The application Ref 19/00991/FUL, dated 21 May 2019, was refused by notice dated 11 November 2019.
 - The development proposed is demolition of existing building & construction of 2no 2 bed houses and associated external works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has referred to its emerging Publication Draft Local Plan June 2017, which from the evidence before me has been submitted for examination. However, I have no details before me to show how close it is to adoption. I can therefore only give its policies limited weight in determining this appeal.

Main Issues

3. The main issues are the effect of the development proposed on:
 - The character or appearance of the Witham Conservation Area, the setting of the neighbouring Grade II listed building 54 and 54A Church Street and the character and appearance of the surrounding area; and,
 - The living conditions of future occupiers and of neighbouring occupiers, with particular regard to the occupiers of 62 Church Street.

Reasons

Character and Appearance, Setting of Listed Building

4. The appeal site lies adjacent to the boundary of the Witham Conservation Area (the CA). From what I saw on site the significance of the CA derives largely from its historic buildings, their relationships and the mix of uses. The appeal site is also adjacent to the Grade II listed building 54 and 54A Church Street, which sits at the corner of Church Street and Chalks Road. I consider that the listed building's significance derives largely from its architectural interest. Paragraph 193 of the National Planning Policy Framework (the Framework) sets out that when considering the impact of a proposed development on the

significance of a designated heritage asset, great weight should be given to the asset's conservation.

5. The appeal proposal is for 2 houses that would be sited centrally on the plot with parking at the front and gardens to the rear. The neighbouring two-storey houses in the Chalks Road street scene have a broadly uniform front building line and while not all of the same appearance feature common architectural details such as bay windows and prominent lintels to the front door. The appeal properties would sit forward of the established front building line and would be of comparatively simple detailing. As a result they would appear out of keeping within the street scene. The houses would also detract from the setting of the neighbouring listed building by virtue of their height and prominent siting, which would diminish the importance of the listed building within the Chalks Road street scene.
6. The appeal proposal would therefore fail to preserve the setting of the listed building and would fail to preserve or enhance the CA. Having regard to Paragraph 194 of the Framework the harm would be experienced principally in the immediate vicinity of the appeal site, arising from the size, prominence and appearance of the proposed houses. The harm to the heritage assets would therefore be less than substantial, when weighed against their significance as a whole.
7. I recognise that the development would deliver 2 new houses, and the Council cannot demonstrate a five year supply of housing land. The occupation of the houses would deliver ongoing economic and social benefits for local services and facilities. There would also be a short-term economic boost from their construction. I have given these benefits weight in determining this appeal, but am required to give great weight to the conservation of designated heritage assets in accordance with Paragraph 193 of the Framework. I find that the benefits arising from the appeal proposal would not outweigh the harm that I have identified.
8. For the above reasons the appeal proposal would conflict with Policy CS9 of the Braintree District Council Local Development Framework Core Strategy (the CS) and Policies RLP3, RLP9, RLP90, RLP95 and RLP100 of the Braintree District Council Local Plan Review July 2005 (the LP). These policies require, amongst other things, that new development be of a high standard of design and that it not detract from the character or appearance of a CA or harm the setting of a listed building.

Living Conditions

9. There would be limited private garden space for the proposed dwellings, with the provision significantly below the minimum area sought in the Essex Design Guide 2005. This limited provision of garden space would result in an oppressive environment for future occupiers.
10. In addition, the rear first-floor windows to the proposed houses would overlook the rear garden of 62 Church Street with limited separation between the windows and the shared boundary. While a degree of overlooking can be expected in urban environments, I consider that the appeal proposal as a result of the limited separation distance would result in unacceptable harm through loss of privacy to the occupiers of No 62.

11. The development proposed would therefore fail to provide satisfactory living conditions for future occupiers and cause an unacceptable loss of privacy to neighbouring occupiers. It would therefore conflict with Policies RLP90 and RLP9 of the LP which, amongst other things, require that new development not cause undue or unacceptable impact on the amenity of any nearby residential properties, and the requirement in the Framework for development to provide a high standard of amenity for existing and future users.

Other Matters

12. The Council cannot demonstrate a five year supply of housing land. However, 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 designated heritage assets. I have therefore determined the appeal in accordance with the development plan as no material considerations indicate otherwise.

Conclusion

13. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR