
Appeal Decision

Site visit made on 6 October 2020

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2020

Appeal Ref: APP/Z1510/W/20/3253500

1 Windmill Road, Halstead, CO9 1JL

- 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 Joe Peacock against the decision of Braintree District Council.
 - The application Ref 20/00154/FUL, dated 22 January 2020, was refused by notice dated 27 March 2020.
 - The development proposed is a detached 3 bed dwelling and new vehicular access.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. Windmill Road rises steadily uphill from the junction of Chapel Hill. It comprises uniformed blocks of terraced houses, set back from the footpath by small front gardens, with longer gardens to the rear. The blocks are equally spaced by narrow footways. The roofline steps up in line with the topography of the street and the building line is slightly staggered. With the exception of some minor alterations such as front porches and window materials, the houses have retained their original appearance.
4. The appeal site is located close to the entrance of Windmill Rise. It is currently garden land and the planting along its north eastern boundary provides a soft buffer between the adjacent open space and the first block of houses, which enhances the appearance and the biodiversity value of the area.
5. I acknowledge that a ridge line of the proposed dwelling would be set down from that of 1 Windmill Road and that materials to match the adjacent dwellings would be used. However, the appeal proposal, by virtue of the detached nature of the dwelling, the large gap between buildings, the fenestration details and the rear hipped roof projection, would significantly detract from the local distinctiveness, identity and uniformity of the area. Furthermore, the proximity of the proposed dwelling to the boundary with the adjacent open space would leave little room for any beneficial landscaping to soften the appearance of the development.

6. I therefore conclude that the development would cause unacceptable harm to the character and appearance of the area. This would be contrary to Policies RLP3, RLP9 and RLP90 of the Braintree District Local Plan Review (2005) and Policy CS9 of the Braintree Core Strategy (2011), which seek to ensure, amongst other things, that new development respects the character and appearance of the area.

Other Matters

7. Amenity space for the new dwelling has been referred to by both parties. However, I have not been provided with copies of any relevant policies or adopted guidance in respect of this issue. I note that the dwelling would have a small area of outdoor space, which would in my view be adequate given the size of dwelling proposed and its location adjacent to an area of open space. As the garden size was not a reason for refusal I have not considered this matter further.
8. A third party has raised concerns regarding parking, access and traffic problems. I observed during my site visit that there is unrestricted on street parking along both sides of Windmill Road as well as off street parking to the front of some properties. The proposal for one additional dwelling, with access and off street parking, would not have any significant effect on the traffic and parking in the area. Concerns have also been raised regarding overlooking and aesthetics; I have addressed the aesthetics already. Due to the separation distance, exiting dwellings opposite the site would not be unacceptably overlooked.

Planning Balance

9. The Council's delegated report, which I have been requested to take as their Statement of Case, advises that they are currently unable to demonstrate a five year supply of housing land. Under such circumstances, Paragraph 11 of the National Planning Policy Framework (the Framework) states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework taken as a whole.
10. The proposal would result in benefits in terms of providing an additional house, which could be delivered quickly, in a sustainable location. It would also bring modest economic and social benefits.
11. However, the adverse effect on the environment, which I have already identified above, would conflict with the Framework, which seeks to ensure that new development adds to the overall quality of the area, is visually attractive and sympathetic to local character (paragraph 127). Paragraph 130 of the Framework states that permission should be refused for development of poor design, which fails to improve the character and quality of an area.
12. On balance, it is therefore considered that the harm to the character and appearance of the area would significantly outweigh the modest benefits of the proposal.

Conclusion

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

Rachael Bartlett

INSPECTOR